

Conflicts of Interest and Conflicts of Commitment Policy and Approval Guidelines

8.2.18.2 Conflicts of Interest and Conflicts of Commitment

8.2.18.2.1 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 and also the appearance of a conflict of interest. An appearance of a 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 appearance of 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.

8.2.18.2.2 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.

8.2.18.2.3 Compensated Outside Activities: Restrictions & Approval Process

All employees are encouraged to participate in professional activities; however, those activities must be consistent with the mission of the USG. Each USG employee must obtain written approval in advance from institution president or designee 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 assigned to the System Office and USG presidents must obtain approval from the Chancellor or designee. Except as authorized for eligible faculty employees, annual leave must be used by USG employees for compensated outside activities during normal work hours consistent with the USG procedures governing the use of annual leave.

USG employees are generally prohibited from consulting or otherwise receiving compensation from a current USG vendor or an entity seeking a vendor relationship with the USG. Exceptions to this provision may be granted by the institution president or designee for employees that do not supervise, regularly interact with, or participate in the selection of vendors of that employee's institution or System Office. Exceptions for University System Office employees may be granted by the Chancellor or designee. This prohibition applies only to those employees supervising or participating in vendor selection and/or providing oversight of vendor performance and to vendors / prospective vendors of that employee's institution or the System Office. This prohibition does not apply to vendor or service relationships between the USG and other government entities.

The nature of institutional and System Office executive positions is such that outside activities and potential conflicts of interest require an additional level of scrutiny in order to protect the public trust. Executive positions shall include direct reports to the president in addition to those with a title of Vice President, Vice Chancellor, equivalent, or higher. Individuals in executive positions desiring to participate in compensated outside activities or seeking approval for a conflict of interest management plan must obtain approval from the institutional president or from the USG Chancellor or designee for USO employees and USG presidents. Proposed approvals shall first be reviewed by USG Ethics & Compliance and USG Legal.

8.2.18.2.4 Faculty Consulting

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 consulting activities of faculty members which shall include the following:

1. Time that faculty may consult during regular work hours, if any. For nine-month employees the maximum limit is one day per week. Twelve-month faculty assigned to administrative positions must take annual leave when engaged in consulting during their normal work hours consistent with the USG procedures governing the use of annual leave.
2. A determination of what institutional resources may be used for consulting work;
3. A plan for reimbursing the institution for use of the institution's personnel, facilities, equipment, and or materials consistent with rates charged outside groups or persons;
4. A procedure for obtaining prior approval of the President or his or her designee; and,
5. A procedure for defining and managing conflicts of interest and conflicts of commitment regarding faculty consulting.

8.2.18.2.5 Disclosure

Each USG employee has an ongoing responsibility to report and fully disclose any personal, professional, or financial interests, relationships, or activities that has the potential to compromise an employee's objectivity in fulfilling the employees' responsibilities to the USG. Each USG employee must also report and fully disclose any financial and business interests that the employee or the employee's spouse, partner, parent, child, sibling, and any in-laws of any of the foregoing may have that relate to the USG employee's expertise or responsibilities as a USG employee.

D. Additional Guidance

The requirements of this policy to include the minor revisions made as part of the policy review initiative and the more substantive revisions made at the most recent meeting of the BOR are outlined below.

1. Conflicts of Interest and the Appearance of Conflicts of Interest

The foundational requirement for USG employees to avoid even the appearance of a conflict of interest remains unchanged. Specific reference is made in the policy to the State Conflict of Interest Statutes O.C.G.A. § 45-10-20 through § 45-10-70.

2. Conflicts of Commitment

This provision also remains unchanged. USG employee must not engage in any occupation, pursuit, or endeavor that will interfere with the regular and punctual discharge of that employee's official duties.

3. Compensated Outside Activities: Restrictions & Approval Process

USG employees must still obtain permission in writing and in advance for Outside Activities. The revisions to this policy provides the following guidance:

- a. USG employees must now only obtain approval for outside activities that are both i. compensated and ii. relate to the employee's expertise or responsibilities as a USG employee. Under this policy does not apply to an employee's service in the military.
- b. Institution Presidents and University System Office employees must obtain approval for Compensated Outside Activities from the Chancellor or designee.
- c. USG employees, other than eligible faculty employees, must use annual leave for compensated outside activities during normal work hours consistent with USG polices governing annual leave.
- d. USG employees are prohibited from consulting or otherwise receiving compensation from a current USG vendor or entity seeking a vendor relationship with the USG. Exceptions to this provision may be granted by the institution President. For University System Office employees, exception to this provision may be granted by the Chancellor or designee.
- e. The Compensated Outside Activities of Institutional Presidents, Institutional executive positions and University System Office executive positions must first be reviewed by the USG Office of Ethics and Compliance and the USG Office of Legal Affairs. Contact information for these offices is provided below:

USG Office of Legal Affairs
Vice Chancellor of Legal Affairs
usg-legal@usg.edu
(404) 962-3255

USG Office of Ethics & Compliance
Vice Chancellor for Organizational Effectiveness
usg-compliance@usg.edu
(404) 962-3034

- f. USG institutions must now include in consulting guidelines the amount of time, if any, that faculty employees may consult during normal work hours. For nine-month employees, the maximum amount of consulting during normal work hours is one day per week. It is intended that this limit be an average of one day per week and not a hard cap of confining any consulting hours to one calendar day. The limit does not apply time outside of the 9-month contract. Twelve-month faculty assigned to administrative positions must take annual leave when engaged in consulting activities during normal work hours.

4. Disclosure

The policy still requires USG employees to report and fully disclose, on an on-going basis, any personal, professional, or financial interests, relationships, or activities that has the potential to compromise an employee's objectivity in fulfilling the employees' responsibilities to the USG. The policy now explicitly requires USG employees to report and fully disclose any financial and business interests that the employee or the employee's spouse, partner, parent, child, sibling, and any in-laws of any of the foregoing may have that relate to the USG employee's expertise or responsibilities as a USG employee.

Employee Outside Activities/On-Campus Activities Approval Form

Employee Name: _____ Department: _____

School/College: _____ Date of Request: _____

Outside Activity - All Employees (Check all that apply):

Outside Activity involving consulting, teaching, 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

Outside Activities (Faculty Only):

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

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.

On Campus Activity Terms:

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

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 or conflict of commitment as described in Board of Regents Policy 8.2.18.2, the University System of Georgia, and Clayton State University;

2. will not interfere with the punctual discharge of my official duties; and
3. meets one of the following criteria: (a.) is a means of personal professional development; (b.) serves the community, state or nation; or (c.) is consistent with the objectives of the institution.

Employee Signature

Date

Approvals:

Department Head

Date

Academic Dean

Date

Provost (faculty approvals only)

Date

President

Date

