



CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

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I. Purpose

This policy provides guidance on defining and disclosing actual and potential conflicts of interest and conflicts of commitment.

II. Policy Statement

Georgia Southern University adopts the USG Policy on Conflicts of Interest and Conflicts of Commitment. The full policy may be found [here](#). The University maintains a separate policy requiring additional disclosure for research participation, including the [Research Financial Conflict of Interest Disclosure Policy](#) and compliance with disclosure requirements to Federal grant agencies on foreign research collaboration and support. University employees are also required to comply with state law governing conflicts of interest and codes of ethics for state employees and report certain business transactions as set forth in those statutes.

III. Exclusions

Faculty and staff with a work commitment of less than thirty (30) hours per week (less than 0.75 FTE) do not need written approval in advance of engaging in a Reportable Outside Activity so long as the Reportable Outside Activity does not create a Conflict of Interest or otherwise violate the policies of the University or the University System of Georgia.

IV. Definitions

Conflict of Commitment occurs whenever a University employee's outside consulting or other activities, whether paid or unpaid, have the potential to interfere with their primary duties including teaching, research, time with students, or other service and administrative obligations to the University. A Conflict of Commitment is a type of Conflict of Interest that involves time allocation.

Conflict of Interest occurs when a University employee engages in an activity or becomes involved in a set of circumstances, whether paid or unpaid, that could interfere with that employee's obligations to the University or affect their professional judgment.

Outside Activity is any paid or unpaid activity engaged in by a University employee outside of the University. Outside Activities may include consulting, speaking, conducting research, participating in civic or charitable organizations, practicing a profession, teaching, managing or participating in a business, or holding a job with another employer.

Reportable Outside Activity is any Outside Activity that could create an actual or apparent Conflict of Interest or Conflict of Commitment which must be reported as set forth in this policy.

V. Conflict of Interest and Conflict of Commitment in General

The University recognizes the benefits of collaboration with entities outside the University, as well as the enhancement of the University's reputation and professional growth when faculty and staff consult or perform other professional activities internationally and within the community. As such, the University encourages its faculty and staff to engage in these activities. Nonetheless, University Employees are held to high ethical standards and must avoid not just conflicts of interest, but also the appearance of a conflict of interest. Employees should make every reasonable effort to avoid actual or apparent Conflicts of Interest and Conflicts of Commitment from Outside Activities that interfere with or appear to interfere with their obligations to the University. Such apparent and actual conflicts must be disclosed to the University as set forth herein. An apparent conflict of interest can exist even in the absence of a legal conflict of interest as defined in Article 2, Chapter 10, Title 45 of the Official Code of Georgia Annotated.

Additionally, employees must commit to using their time and professional energy toward supporting the University's mission of excellence in teaching and research. Though professional employees are encouraged to participate in professional activity and creativity that serves as a means of professional development; serves the community, state, or nation; and promotes the objectives of the University, these activities must not interfere with the regular and punctual discharge of official duties.

Except as authorized for eligible faculty members, annual leave must be used by University employees for compensated Outside Activities during normal working hours consistent with the University System of Georgia's policies regarding Outside Activities and procedures governing the use of annual leave.

Staff must take annual leave for Outside Activities that occur during the staff member's work hours consistent with the University's policy regarding the use of annual leave. Staff and twelve-month faculty may not receive compensation, including reimbursement for expenses, for Outside Activities that take place during work hours unless annual leave has been taken. Ten-month faculty members must receive permission from their department chair, dean, and the Provost in order to receive any compensation for any Outside Activities that take place during their ten-month academic year commitment.

Employees wishing to engage in a Reportable Outside Activity must disclose that activity to their supervisor in writing and receive approval before engaging in the activity. Staff must receive permission from their supervisor and Vice President; faculty must receive approval from their chair, dean, and Provost. The appropriate Vice President and Provost shall serve as the President's designees for final approval of the Outside Activity. Employees should also disclose an Outside Activity if they are uncertain if the activity is a Reportable Outside Activity. If the University determines that a Conflict of Interest or Conflict of Commitment exists for an employee, it may implement a plan to manage that conflict. The University, in its sole discretion, may determine that

a Conflict of Interest or Conflict of Commitment creates too much risk or cannot be adequately managed. As such, it may limit the employee's activity or prohibit the employee from engaging in the Outside Activity while employed at the University. All faculty and staff must make or update an annual disclosure of all of their ongoing Reportable Outside Activity.

An employee may not use University personnel, equipment, facilities, or materials in performing Outside Activities without prior University approval, unless the employee is a faculty member engaged in University Research Activities as defined below. Consistent with [Board of Regents policy 8.2.18.2](#), the employee must have prior approval for use of the University's personnel, facilities, equipment, and materials and an agreed plan for reimbursing the University for such use at rates equivalent to those charged to outside groups or persons if engaged in an Outside Activity. Faculty and staff are also subject to the following:

- Employees may not use the University name, marks, or logos for marketing purposes.
- Employees may not use official stationery of the University or give as a consulting address any University building or department name when participating in Outside Activities.
- Employees may identify their University status when rendering service to an organization outside of the University, but may not speak, act, or make representations on behalf of the University, or express institutional endorsement in relation to the Outside Activity.

VI. Reportable Outside Activities that Present Real or Apparent Conflicts of Interest and Conflicts of Commitment

Outside Activities that are Reportable Outside Activities must be disclosed because they generally involve 1) transactions with the University System of Georgia that confer a financial benefit to you or someone in your immediate family, or to a business entity in which you or your immediate family own a material interest; 2) public office or running for public office; 3) outside engagements in which you use your academic or professional expertise that are not in fulfillment of your work duties with the University; or 4) a position with an outside organization that involves a fiduciary or quasi-fiduciary duty, such as being an officer or a board member of the organization. Outside Activities that do not need to be disclosed and are not Reportable Outside Activities generally involve 1) volunteer activities with no fiduciary or quasi-fiduciary duties; 2) outside engagement in an activity that is not related to your academic or professional expertise; and 3) activity performed in fulfillment of your obligations to the University for service and research.

The following Outside Activities present potential Conflicts of Interest or Conflicts of Commitment and are Reportable Outside Activities that must be disclosed to the University:

1. Management or Material Interest in a Business Entity That Does Business with the University System of Georgia. You, your spouse, or children have a management position (officer, director, manager of LLC, etc.) or own a material interest (more than 15%) in a business entity or association that engages in any business transactions with the University System of Georgia.
2. Public Office/Candidate. You are a candidate for public office or you hold public office.
3. Outside Teaching Appointments. You have a teaching appointment with an entity other than Georgia Southern University, including as an instructor for any online class.

4. Outside Research, Writing, and Editing.
 - a. You conduct or are seeking approval to conduct any research at, or receive any research funding from or through, an entity other than the University. This includes any titled research position or an arrangement in which the University employee receives lab space, research materials, research equipment, or research assistance. [Note: Research conducted at outside entities as part of a University sponsored project or research funding received through the University does not need to be disclosed.]
 - b. You are writing or editing a publication related to your academic or professional expertise that is not considered by your chair, dean, or supervisor to be part of your University duties.
 - c. You are serving as the editor of a professional journal or other regular publication.
5. Classroom Educational Materials. You require or are seeking to require students to purchase works for classes you teach that you, your spouse, or your children created, authored, or co-authored, including textbooks, computer software, and electronic or digital media, for which you, your spouse, or your children will receive payment or something of value. If the educational material is a textbook that was authored by a faculty member who wants to use that textbook, the Textbook Policy shall apply instead of this policy.
6. Royalties/Licensing/Copyright Income.
 - a. You receive royalties, licensing fees, or copyright income in excess of \$5,000.00 annually from an entity other than the University.
 - b. You have an interest or leadership position in an outside entity that sponsors your research with the University or licenses intellectual property with the University that is not otherwise described in this list of what to disclose.
7. Expert Witness/Legal Consulting. You have agreed to serve as an expert witness or are otherwise consulting in a potential lawsuit or other legal matter.
8. Professional Services Related to Academic or Professional Field. You provide paid or unpaid professional services or consulting to an outside entity and the professional services relate to your academic or professional field.
9. Leadership Roles. You have a senior management, administrative, or leadership role, including board membership roles with fiduciary or quasi-fiduciary duties, whether paid or unpaid, with an outside entity, including professional organizations.

The following activities do not need to be disclosed to the University.

1. Volunteering. You volunteer or participate in community service activities (e.g., serving at the Boys/Girls Club, volunteering at church). However, serving on the board or holding a fiduciary status requires disclosure.
2. Unrelated Employment Outside of Working Hours. You are employed outside of normal working hours in a position that is not related to your University academic or professional activities (e.g., working as a cashier during the Holidays).

3. Real Estate. You are involved with buying or managing real estate or rental properties that are unrelated to any business transactions with the University System of Georgia.
4. Jury Duty or Witness in a Legal Proceeding Other Than as an Expert Witness. Note: you do not need to disclose jury duty or being called as a witness, other than an expert witness, in a legal proceeding as an outside activity under this policy, but you are still required to present a copy of the jury summons or witness subpoena to Human Resources pursuant to the USG Human Resources Policy on Voting Leave and Other Miscellaneous Leave.
5. Military Service. See Human Resources Policy 2340 for information on Military Leave for more information.
6. Speaking at Conferences and Seminars. You are speaking at or participating in a conference or seminar in your academic or professional area while you are representing the University so long as you are not personally receiving payment other than reimbursement of expenses, including conference fees. (Note: if you are traveling internationally, please make sure you register your travel with the Office of Global Engagement. Reimbursement of expenses may need to be disclosed for certain research grant applications.)
7. University Research Activities. You are engaged in research or creative activities that are otherwise part of your University duties whether or not coordinated by the Office of Research Services. These activities may require disclosure under the [Research Financial Conflict of Interest \(FCOI\) Disclosure Policy](#) or if they include any foreign affiliations.
8. Research Proposal or Article Review. You are reviewing a research proposal for a government or nonprofit entity, are reviewing an article submitted to a journal for publication, or ad hoc review of a manuscript. These activities may require disclosure if they include any foreign affiliations.
9. Advisory Committees and Evaluation Panels. You are serving on an advisory or evaluation panel for federal, state, or local government agency; domestic non-profit higher educational institutions; or domestic non-profit entities organized solely for educational, religious, philanthropic, or research purposes. These activities may require disclosure if they include any foreign affiliations.
10. Lectures and Research Symposia. You are giving occasional lectures or participating in colloquia, symposia, site visits, study sections, and similar gatherings sponsored by federal, state, or local government agencies; domestic non-profit higher educational institutions; or domestic non-profit entities organized solely for educational, religious, philanthropic, or research purposes. These activities may require disclosure under the [Research Financial Conflict of Interest \(FCOI\) Disclosure Policy](#) or if they include any foreign affiliations.
11. Professional Membership. You are a member of an academic or professional society. However, serving on the board or holding a fiduciary status requires disclosure.
12. Awards. Receiving an award, academic honor, or honorary degree from a non-profit entity.

13. Thesis/Dissertation. You serve as an external member of a thesis or dissertation committee. These activities may require disclosure if they include any foreign affiliations.

VII. Terms of Agreement for Outside Activities

All University employees, and especially faculty engaged in STEM research, should be vigilant regarding terms of engagement in Outside Activities that require them to assign rights in intellectual property. The University's Intellectual Property policy requires that all employees assign the rights to any inventions created within the scope of their employment to the University. This assignment would take precedence over a future assignment of such rights if the University has any rights pursuant to the terms of that policy. Employees who execute a contract to engage in Outside Activities which includes a provision affecting their IP rights should insert the following statement in the contract:

"The consultant has certain obligations to Georgia Southern University as an employee as described in the University's Intellectual Property Policy ("IP Policy"). In the event that there is any conflict between the consultant's obligations pursuant to the IP Policy and their obligation to the entity for whom they consult, the obligation pursuant to the IP Policy shall control."

In addition, the employee must include the following disclaimer in any presentation or reports written, signed, or prepared by the employee for an outside entity for which the employee is identified as being employed by the University:

"This content represents the opinions of the consultant. It carries no endorsement of Georgia Southern University."

VIII. Procedures

- A. Employees may engage in Reportable Outside Activities at the discretion of their department chairs or immediate supervisors using this [form] and the approval of those in the chain of supervision as set forth in (B) and (C) below. Approval of Reportable Outside Activities may be revoked by those in the chain of supervision at any time if it is determined that the Reportable Outside Activity interferes with the employee's duties at Georgia Southern University or interferes with its mission.
- B. Faculty Members shall disclose all Reportable Outside Activities to their department chair prior to engaging in the activity. If approved by the chair, the disclosure shall be sent to the faculty member's dean for approval. If approved by the dean, the disclosure shall be sent to the Provost's Office for approval as the President's designee.
- C. Staff shall disclose all Reportable Outside Activities to their immediate supervisor. If approved by the immediate supervisor, the disclosure shall be sent to the division Vice President or equivalent for approval as the President's designee.

- D. In addition to disclosing Reportable Outside Activities prior to engaging in them, all faculty and exempt staff shall make an annual disclosure of Reportable Outside Activities. This annual disclosure shall be made at the time of the employee's annual review. Annual disclosures shall be reviewed in the manners set forth in subsections (B) and (C) but will not need to be signed by the President' designee so long as the designee has signed the initial disclosure.
- E. Direct reports of the President and those with a title of Vice President or equivalent must obtain approval from the President, whose authority cannot be delegated, using procedures established by the Chancellor by submitting this [form](#) through the President's Office to the USG Office of Legal Ethics and Compliance at the email and telephone number provided below. Any concerns will be noted and provided to the President to address. Final approval for Reportable Outside Activities for the President's direct reports and those with a title of Vice President or higher will be made by the President.
- F. The President must obtain approval to participate in Reportable Outside Activities by completing and submitting this [form](#) to the USG Office of Legal Ethics and Compliance at the email and telephone number provided below. The USG Office of Legal Ethics and Compliance will review the information in consultation with the USG Office of Legal Affairs and will note any concerns. Final approval for Reportable Outside Activities for the President will be made by the Chancellor or the Chancellor's designee.

USG Office of Ethics and Compliance
USG-compliance@USG.edu
(404) 962-3034

IX. Failure to Disclose Outside Activities

An employee's failure to comply with this policy, including failure to accurately and timely disclose all Reportable Outside Activities, is grounds for disciplinary action, including the possibility of suspension and dismissal. For faculty members, lack of adherence to this policy is considered neglect of duty and is grounds for disciplinary action, including the possibility of suspension and dismissal.