UWG PROCEDURE NUMBER: 6.4.2 Employee Conflicts of Commitment and Interest
Authority: UWG POLICY 6.4 (Workplace Practices)

The Chief Human Resources Officer, pursuant to the authority of University of West Georgia (UWG) Policy 6.4, establishes the following procedures for Employee Conflicts of Commitment and Interest:

A. Definitions
1. **Conflicts of Commitment** – occurs when the aggregate time devoted to external activities (including paid and unpaid activities) adversely affects an employee’s appropriate use of leave and/or institutional resources, or the completion of duties and responsibilities during your assigned work schedule.

2. **Conflicts of Interest** – exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of influencing a University employee’s decision or behavior with respect to work-related activities, including but not limited to: teaching and student affairs, appointments and promotions, greater than incidental use of University resources, procurement and business transactions, or the design, conduct or reporting of University research. See also, O.C.G.A. § 45-10-26.

3. **Consulting** – for purposes of this Procedure, “Consulting” and “Employment” are interchangeable as a basis for determining a “Conflict of Interest/Commitment”. “Consulting” generally implies that the work is performed as an independent contractor (i.e., with certain expertise), while “Employment” generally implies that the work performed is at the direction of an employing agency or company, where the individual is on the agency/company payroll.

4. **Disclosure/Request for Approval to Engage in External Activities Form** – Appendix A to this procedure. It must be completed if an employee seeks to engage in activity that could constitute a “Conflict of Commitment” or “Conflict of Interest”.


6. **Employment** – for purposes of this Procedure, “Employment” is interchangeable with “Consulting”.

7. **Family/Relatives** – Husbands, wives, parents, children, brothers, sisters, and any in-laws of any of the foregoing, except: children under age 25 employed in a temporary or part-time status, provided there is at least one level of supervision authority between the child and his/her parent. **Please note:** The State of Georgia’s conflict of interest law (Section B.2 below) is limited to spouses and dependents. See O.C.G.A. § 45-10-20.

8. **Gifts and Gratuities** – Georgia law discusses gifts and gratuities in O.C.G.A. § 21-5-70, O.C.G.A. § 45-1-6, Georgia Rules and Regulations Rule 478-1-.07(3)(a)(4), and the Board of Regents Policy Manual 8.2.18.4 (Gratuities). All UWG employees, including faculty and staff, should read these provisions and contact University General Counsel with any questions.

9. **Performance Evaluation** – for purposes of this Procedure, it means an annual assessment of performance, skills, or success in assigned duties and responsibilities, regardless of the name assigned to the form used for evaluation.

10. **Sales and Solicitation Policy** – UWG has established policy related to sales, advertising, and solicitation on campus. See UWG Policy 5.5 and accompanying procedures.

11. **Single-Occasion Activities** – activities involving only a few hours, generally less than one work day, and not recurring on a regular basis or on an established schedule.
B. Procedures for Employees – General

1. Required UWG Reporting. Employees are expected to devote their primary professional loyalty, time and energy to the University. If an employee seeks to engage in activities in addition to his/her employment at UWG, you must complete and submit the “Disclosure/Request for Approval to Engage in External Activities Form,” attached as Appendix A to this procedure.

2. Frequency of Required Reporting. Employees are required to complete a “Disclosure/Request for Approval to Engage in External Activities Form” on the following occasions:
   a. At the time of hiring or transfer to a new position, regardless of whether the employee has any activity to report;
   b. When changes or modifications are required for an existing report;
   c. When the employee engages in a separate activity that has not been previously reported; and
   d. At the time of the employee’s annual performance evaluation. If there is no activity or modification that needs to be reported at the time of the Performance Evaluation, the employee and supervisor may indicate this on the Performance Evaluation form in the place so provided.

3. Required State of Georgia Reporting.
   a. Disclosure Form. Any employee/employee’s spouse/employee’s dependent that has transacted business with any agency of the State of Georgia (includes USG institutions), on behalf of yourself or for any business in which you/your spouse/your dependent has a substantial interest, has a duty to report the transactions. Georgia law (O.C.G.A. § 45-10-23) requires State employees to report to the Georgia Government Transparency and Campaign Finance Commission by January 31st of each year any business transactions over $250.00 (single) or over $9,000.00 (aggregate for the calendar year). The form may be found here. A copy may be found in Appendix B, but please consult the Commission’s web site or office, as this form may have changed.
   b. Exceptions - O.C.G.A. § 45-10-24. Disclosure requirements shall not apply to a transaction with a unit of the University System of Georgia by a family owned business in which an employee of the university system or a member of the employee's family has an ownership interest where all of the following apply:
      i. The employee or one or more members of the employee's family or both have an ownership interest in a family owned business, but the employee is not actively engaged in the day-to-day management of the business;
      ii. The employee is employed by a department of the unit of the university system in a position below that of department head; and
      iii. The transaction is with a unit of the university system different than the unit employing the employee or with a department of the employing unit of the university system different than the department employing the employee.

C. Procedures for Employees – Research

The University promotes objectivity in University research by establishing processes that provide a reasonable expectation that the design, conduct, and reporting of sponsored research is free from bias resulting from financial conflicts of interest of the University Employee involved in the research. Please refer to UWG Policy 4.4 Financial Conflict of Interest and accompanying procedures.

D. Potential Conflicts of Interest

Section 8.2.18.1 of the Board of Regents Policy Manual states: “An employee shall make every reasonable effort to avoid even the appearance of a conflict of interest. An appearance of conflict exists when a reasonable person will conclude from the circumstances that the employee’s ability to protect the public interest, or perform public duties, is compromised by personal interest. An appearance of conflict
can exist even in the absence of a legal conflict of interest.” The following may constitute conflicts of interest in addition to those stated above:

1. **Employee Relationships.** Amorous relationships and the employment of relatives have clear potential to involve a conflict of interest. The procedures governing these potential conflicts is found in **UWG 6.4.4, Employee Relationships.**

2. **Gifts and Gratuities.** **Section 8.2.18.4 of the Board of Regents Policy Manual** states: “An employee of the Board of Regents shall not directly or indirectly solicit, receive, accept, or agree to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his/her performance or failure to perform any official action. The acceptance of a benefit, reward or consideration where the purpose of the gift is to influence an employee in the performance of his/her official functions is a felony under O.C.G.A. § 16-10-2.

A USG employee or any other person on his/her behalf, is prohibited from knowingly accepting, directly or indirectly, a gift from any vendor or lobbyist as those terms are defined in Georgia statutes (O.C.G.A. § 21-5-70(6) and 45-1-6(a)(5)b). If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization.

A gift may be accepted by the employee on behalf of the institution subject to reporting requirements of the Board of Regents. If the gift is accepted, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.” Exceptions to these requirements include:

   a. **Gifts - Exceptions.** Please refer to **Section 8.2.18.4 of the Board of Regents Policy Manual** for gifts and gratuities that are acceptable under current policy.

   b. **Gifts - Vendor Training.** Actual and reasonable expenses for food, beverages, travel, lodging and registration provided to permit participation in a meeting, demonstration, or training related to official or professional duties if participation has been approved.

3. **Outside Employment and Consulting.**

   a) **Employment.** **Section 8.2.18.2.2 of the Board of Regents Policy Manual** states: “A USG employee shall not engage in any occupation, pursuit, or endeavor which will interfere with the regular and punctual discharge of official duties.” It may be acceptable if the activity is a means of personal professional development; serves the community, state or nation; or, it is consistent with the objectives of the institution. Complete and submit the "**Disclosure/Request for Approval to Engage in External Activities Form**" (Appendix A) to avoid any potential conflicts of interest.

   b) **Consulting.** **Section 8.2.18.2.3 of the Board of Regents Policy Manual** states: “Recognizing that teaching, research, and public service are the primary responsibilities of USG faculty members, it shall be considered reasonable and desirable for faculty members to engage in consulting activities, which are defined for purposes of this policy as any additional activity beyond duties assigned by the institution, professional in nature and based in the appropriate discipline for which the individual receives additional compensation during the contract year.”

**NOTE:** Faculty who use institutional resources for consulting need to be aware that Board of Regents and UWG may require reimbursement or written agreements related to intellectual property. See, **Board of Regents Policy, Section 6.3 Intellectual Property**, and UWG’s academic policy on **Outside Employment**.
Complete and submit the "Disclosure/Request for Approval to Engage in External Activities Form" (Appendix A) to avoid any potential conflicts of interest.

c) Political/Public Service. Section 8.2.18.4 of the Board of Regents Policy Manual states: “USG employees are encouraged to fulfill their civic obligations and otherwise engage in the normal political processes of society. Nevertheless, it is inappropriate for USG personnel to manage or enter political campaigns while on duty to perform services for the USG or to hold elective political office at the state or federal level while employed by the USG.” Minimum requirements/limits include:

i. Employees may not manage or take an active part in a political campaign which interferes with the performance of duties or services for which he or she receives compensation from the USG.

ii. Employees may not hold elective political office at the state or federal level.

iii. Employees seeking elective political office at the state or federal level must first request a leave of absence without pay beginning prior to qualification as a candidate in a primary or general election and ending after the general or final election. If elected to state or federal office such person must resign prior to assuming office.

iv. Employees may seek and hold elective office at other than the state or federal level, or appointive office, when such candidacy for or holding of the office does not conflict or interfere with the employee’s duties and responsibilities to the institution or the USG.

E. Guidelines/Procedures of Other University Units.

Other University units may develop additional procedures on this subject matter that is specific to the unit, but in the event any conflicts arise between the versions, the provisions stated herein will control.

F. Records.

All records generated for compliance with this procedure shall be routed to, and maintained by, the Human Resources department. The Chief Human Resources Officer may establish standards or guidelines for record-keeping.

G. Compliance.

Failure to comply with any of the requirements stated herein could result in disciplinary action, up to and including termination.

Issued by the Chief Human Resources Officer, the 4th day of September, 2018.

Signature, Chief Human Resources Officer

Reviewed by Vice President of Business & Finance:

Previous version dated: December 20th, 2017 (see Appendix C, BOR policy revision letter)
APPENDIX A – UWG Procedure 6.4.2

DISCLOSURE/REQUEST FOR APPROVAL TO ENGAGE IN EXTERNAL ACTIVITY

Instructions. Employees are encouraged to participate in professional activities (e.g. consulting, teaching, speaking, etc.) that do not interfere with the regular and punctual discharge of official duties, keeping primary professional loyalty, time, and energy for the University. The specific responsibilities and professional activities that constitute an appropriate commitment will differ across Colleges/Schools and departments, but they should be based on a general understanding between the employee and supervisor.

Pursuant to University and Board of Regents policies, a full time University employee must submit this completed form to his/her supervisor before engaging in external activities.

Form Guidelines.
1. All employees must complete this form:
   - at the time of hiring
   - upon transfer to a new position at UWG
   - each year at the time of the employee's performance evaluation
   - when any information contained in a previous form needs to be changed or modified, when the employee engages in a separate activity from the one previously reported
2. A form must be completed for each separate activity.
3. Not Required. A form is not required to be filed for activities undertaken by a faculty member employed on an academic year contract for activities which begin after the end of spring semester and are completed before the beginning of the succeeding fall semester, unless that faculty member is employed to teach one or more courses at the University during that summer semester. Similarly, all employees are not required to file this form for “Single-Occasion Activities” (activities involving only a few hours, generally less than one work day, and not recurring on a regular basis or on an established schedule).
4. When an employee undertakes appropriate outside activity, the following conditions are expected to be observed as part of the employee’s University obligations:
   a. Follow established policies and process prior to engaging in any outside activity.
   b. Engage only in outside activities that are not in conflict with the employee’s position, that reflect positively on the department or academic unit and the University, and that do not compete directly with previously with University needs.
   c. Do not use your University position to actively promote outside activities.
   d. Do not use University resources (space, equipment, personnel, or other University property) for outside activities, except where explicit permission has been obtained and appropriate arrangements for reimbursement have been established.
   e. Be prepared to account for the actual amount of time devoted to outside activities and their appropriateness.

[FORM to be COMPLETED – NEXT PAGE]
Appendix A
FORM TO REPORT OUTSIDE EMPLOYMENT/OTHER COMMITMENTS OR INTERESTS
UWG Procedure 6.4.2 Employee Conflicts of Commitment and Interest

<table>
<thead>
<tr>
<th>EMPLOYEE IDENTIFICATION. (Please include all information requested.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Name(Printed):</td>
</tr>
<tr>
<td>Employee Title:</td>
</tr>
<tr>
<td>Department/School:</td>
</tr>
<tr>
<td>Supervisor Name:</td>
</tr>
</tbody>
</table>

CHECK ONE:
☐ New Hire/Transfer to New Position/New Activity
☐ Changes/Modifications to Existing Form
☐ Additional Form Completed for Separate Activity

Please identify how many separate activities are involved as of the date of signature: _______

1. Type of Activity (Check category below, and explain further in the space provided; be specific and include the name and address of the related organization):
   - Occupational. BOR Policy 8.2.18.2.2 “Outside Activities – Occupational”
   - Consulting. BOR Policy 8.2.18.2.3 “Outside Activities – Consulting”
   - Political. BOR Policy 8.2.18.3 “Outside Activities – Political”
   - Other (explain below) See, UWG Procedure 6.4.2.

2. Describe the activity, and provide the dates or date range and the amount of time required.
   Description:

   Date(s):

   Time required:

3. ☐ Check if this a continuing activity from the previous academic year.
4. Conflict with Duties/Time Away from Work [STAFF complete]
   (Please summarize all activities that may be required during normally scheduled work hours):

   Conflict with Duties/Time Away from Work [FACULTY complete; submit to Chair]
   - [ ] No classes would require substitute instruction.
   - [ ] Will involve the use of institutional resources (please clarify below).
   - [ ] Will involve cancellation of office hours (please clarify below)
   - [ ] Will involve reduced commitment in service to institution (please clarify below).
   - [ ] Will involve reduced commitment to personal professional development (please clarify below).
   - [ ] Substitute instruction would be required in the following classes (List course number, hour and location, along with substitute instructor’s last name).
     Please clarify any responses above here:

   [EMPLOYEE SIGNATURE REQUIRED]
   By my signature below, I certify that I have read and understand all applicable laws and policies/procedures, and that all the information given herein is true and correct. I hereby certify that my outside activity described above does not incur “Conflict of Interest” nor “Conflict of Commitment”. I further understand that any changes to the information I have given requires that I complete and submit another Disclosure/Request for Approval to Engage in External Activity:

   Employee Signature: ______________________________ Date: ______________________________

   [TO BE COMPLETED BY SUPERVISOR]
   The above activity requires the use of institutional resources, and an agreement related to reimbursement is attached. YES _____ NO _____
   The above activity has been reviewed by the person(s) signing below.

   Supervisor/Department Head: ______________________________ Date: ______________________________
   Dean/Director (as applicable): ______________________________ Date: ______________________________
   Provost/VP (as applicable): ______________________________ Date: ______________________________
   President (as applicable): ______________________________ Date: ______________________________
   Comments: ____________________________________________

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A copy of this form should be returned to the employee, a copy should be retained by the unit in accordance with its procedures, and the original should be forwarded to the Chief Human Resources Officer.