Copy of Conflicts of Commitment and Interest

The purpose of this procedure is to increase University of West Georgia (UWG) Employee awareness of the potential for actual or apparent Conflicts of Commitment and Conflicts of Interest. This procedure establishes a process for identifying, reviewing, and managing such relationships to assure the integrity of UWG endeavors.

Required by Board of Regents (BOR) Policy 8.2.18.2, all UWG Employees have a duty to report and avoid Conflicts of Commitment and Interest, whether actual or apparent. 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. Even in the absence of a legal conflict of interest, an apparent conflict can exist.

A. Conflict of Commitment

Conflict of Commitment occurs when the aggregate time devoted to Outside Activities adversely affects an employee’s capacity to meet the responsibilities of their University position.

Examples of Conflicts of Commitment include but are not limited to: outside employment and consulting (BOR Section 8.2.18.2 through 8.2.18.4), political/public service (BOR Section 8.2.18.3), etc.

- Employee relationships: amorous relationships and the employment of relatives See UWG PL 4004, Employee Relationships.
- gifts and gratuities (BOR Section 8.2.18.4);
- outside employment and consulting (BOR Section 8.2.18.2), and
- political/public service (BOR Section 8.2.18.4)

1. Outside Compensated Activities (Staff)

The University President designates the Staff’s Supervisor to approve or deny outside activity. The Supervisor determines at their discretion if Outside Activity. The Supervisor determines at their discretion if Outside Activities otherwise permitted under the BOR are inappropriate in scope and duration or constitute excessive time away from University duties. The Staff Employee’s Supervisor is to exercise this discretion equitably.

Full-time Staff must obtain written approval before engaging in compensated Outside Activities related to their expertise or responsibilities as a UWG Employee.
2. Outside Compensated Activities (Faculty)

Recognizing that teaching, research, and public service are Faculty Primary Responsibilities, it is reasonable and desirable for Faculty to engage in professional activities beyond assigned UWG duties based on the appropriate discipline, for which the Faculty receives additional Compensation during the contract year.

a. With prior written approval from the Supervisor, nine-month and twelve-month Faculty (including those with summer teaching responsibilities) may Consult during or after regular work hours so long as the consulting schedule does not interfere with the Faculty’s UWG teaching or administrative schedule.

i. Twelve-month Faculty may Consult during or after regular work hours for up to one day per week. The one day per week limit is an average, not a hard cap, of confining any consulting hours to one calendar day.

ii. The one-day per week limit does not apply to consulting time outside of a nine-month Faculty contract.

b. Unless express permission is granted by the University President, whose approval authority may not be delegated, Twelve-month Faculty assigned to administrative positions may Consult up to one day per week outside of normal work hours.

i. must take annual leave when engaged in consulting activities during normal work hours consistent with the University procedures governing the use of annual leave, and

ii. may Consult up to one day per week outside of normal work hours.

Part-time Faculty do not need written approval in advance of engaging in compensated Outside Activities as long as the Outside Activity does not create an actual or apparent Conflict of Interest as set forth herein or violate other UWG policies or procedures.

- Twelve-month faculty must take annual leave when engaged in consulting activities during normal work hours consistent with the University procedures governing the use of annual leave.
- Part-time Faculty do not need written approval in advance of engaging in compensated outside activities as long as the outside activity does not create an actual or perceived Conflict of Interest as set forth herein or violate other UWG policies or procedures.

3. Outside Activities Involving University Vendors

UWG Employees are generally prohibited from Consulting or otherwise receiving Compensation from a current University vendor or an entity seeking a vendor relationship with UWG. The Ethics Officer may grant
exceptions to this provision for employees that do not supervise, regularly interact with, or participate in the selection of University vendors. Employees shall request an exception in writing from the Ethics Officer at legal@westga.edu. The Ethics Officer will respond within five business days either approving or denying the requested exception.

**B. Conflict of Interest**

A Conflict of Interest exists when an employee is in a position to influence, either directly or indirectly, University business, research, or other decisions, in ways that could lead to gain for the employee, the employee’s family, or others to the detriment of the University's integrity and its mission of academic excellence, research, and public service.

UWG Employees have a duty to report and fully disclose relevant information related to any actual or potential Conflict of Interest so that interested UWG parties (inside and outside) may evaluate such information. Conflicts of Interest (personal, professional, financial, relationships, outside activities, etc.) that a UWG Employee or Family member has could potentially compromise their objectivity in fulfilling responsibilities to UWG and shall be disclosed.

Examples of areas of influence are teaching and student affairs, appointments and promotions, uses of University resources, procurement and business transactions, or other matters of interest to UWG or of biasing the design, conduct, or reporting of University research.

**1. Business and Financial Interests/Transactions**

UWG Employees must first disclose potential conflicts before participating in awarding, negotiating, reviewing, or approving a business transaction, involving UWG and:

i. an entity in which the UWG Employee or their Family has a Financial Interest (includes entities that individuals living in the same household as UWG Employee have a financial interest)

ii. an individual in the UWG Employee’s Family or living in the same household as UWG Employee (related or unrelated);

If the Ethics Officer determines a Conflict of Interest exists, a Management Plan shall be created relating to such activity to reduce or eliminate the Conflict of Interest if such activity is permitted by State law. Certain business transactions may be unlawful between a UWG Employee (or their Family) and UWG, the State of Georgia, or other units of the University System of Georgia (USG). Therefore, each UWG Employee is solely responsible for understanding their obligations as a State employee under Georgia law. UWG Employees are encouraged to contact the Office of Legal Affairs with questions regarding Georgia law as approval of any Outside Activity under this procedure does not guarantee compliance with Georgia law.

**2. Use of University Resources**

UWG’s name, letterhead, facilities, services, electronic resources, and equipment (including the time and assistance of UWG Employees and students) are to be used to further UWG endeavors and not to benefit or imply UWG’s support of any Outside Activity.

UWG Employees may not use UWG facilities, resources, equipment, or services in connection with any Outside Activity except in a purely incidental way or as stated herein.

UWG Employees or commercial entities in which the UWG Employee has a Financial Interest may access UWG facilities or equipment on the same terms and conditions available to other persons or organizations.
outside and not affiliated with UWG.

For more information on reserving UWG facilities, visit Reserve West.

3. External Employment of Students

UWG Employees may not employ a current UWG student (either directly or through any business in which the UWG Employee or their Family has a Financial Interest) without first disclosing in writing the proposed employment relationship.

If the Ethics Officer determines a Conflict of Interest does not exist, the UWG Employee shall be notified in writing by the Ethics Officer that the employment relationship is permitted.

If the proposed employment relationship is determined to be a Conflict of Interest, the Ethics Officer will notify the UWG Employee in writing if the employment relationship is not permitted or create a Management Plan relating to such activity to reduce or eliminate the Conflict of Interest.

UWG Employees shall use utmost caution when employing current UWG students for work outside UWG. UWG Employees, faculty, and staff need to recognize that they are potentially in a position of authority over these students and have a duty to ensure that the student is treated and compensated fairly for the wages earned.

Faculty may not assign students, postdoctoral fellows, or other trainees (a situation where the person would not feel free to refuse) to University projects sponsored by a business where the UWG Employee or their Family has Financial Interest.

UWG promotes objectivity in 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 UWG Employee involved in the research.

Full-Time Faculty are prohibited from having significant managerial or programmatic responsibilities (e.g., serving as an investigator) on a sponsored project submitted and managed solely through another institution or business. Such activities should be funded through a consortium relationship between institutions via sub-awards and are considered part of the normal Faculty workload.

In addition to this procedure, UWG Employees who engage in research, instruction, or service activities sponsored by an outside party must comply with UWG research policies and procedures.

4. Research Activities

The Reporting of Conflicts of Commitment and/or Interest will be submitted;

• 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 information contained in a previous form needs to be updated or modified;
• when the employee engages in a separate Outside Activity outside activity from the one previously reported.

C. Disclosure Process

The Reporting of Conflicts of Commitment and/or Interest will be submitted;
1. Conflict of Commitment

i. UWG Employees shall provide written notification of the proposed outside activity to their Supervisor using the UWG Outside Activity/Conflict Disclosure Form.

ii. The Supervisor shall review the form information and determine if the disclosed activity is a Conflict of Commitment or interferes with the discloser’s ability to meet their UWG responsibilities.

iii. The Supervisor shall advise the discloser in writing if the activity is approved. If a potential Conflict of Commitment is identified, the Supervisor shall notify the discloser in writing that the external activity is denied for reasons of a possible Conflict of Commitment. Forms should be emailed to Human Resources at hrservices@westga.edu.

iv. A UWG Employee may appeal the Supervisor’s decision to the Ethics Officer by emailing legal@westga.edu.

v. The Ethics Officer shall advise in writing if the Outside Activity is approved or denied with reason, if possible. Notifications will be sent to the discloser, the Supervisor, and the appropriate department Chair or Dean (if different from the Supervisor). Appeal determinations will also be sent to Human Resources at hrservices@westga.edu.

UWG Employees shall not engage in a proposed Outside Activity until written approval is received. If written approval is revoked by their Supervisor or the Ethics Officer, the UWG Employee shall discontinue any such activity immediately.

If the proposed activity also represents a Conflict of Interest, a full-time UWG Employee shall also disclose the information relating to the potential Conflict of Interest to the Ethics Officer. Supervisors should direct any questions regarding the proper classification of conflict (Commitment or Interest) to the Ethics Officer at legal@westga.edu.

2. Conflict of Interest

i. UWG Employees shall provide written notification of proposed Outside Activities, Financial Interest, or Transactions using the UWG Outside Activity/Conflict Disclosure Form. Email form to legal@westga.edu.

ii. The Ethics Officer shall review each disclosure to determine if a potential Conflict of Interest exists. It may be necessary for the Ethics Officer to contact the University Employee to request additional information to evaluate the disclosure. Failure by the University Employee to promptly comply with such requests will be considered a violation of this procedure.

iii. If no potential Conflict of Interest exists, the Ethics Officer shall inform the UWG Employee in writing of that determination. Documentation will be provided to Human Resources at hrservices@westga.edu.

iv. If a potential Conflict of Interest is identified, the Ethics Officer shall develop a Management Plan in consultation with the UWG Employee. The Ethics Officer will seek comments on the proposed Management Plan and strive to create an acceptable Management Plan for all interested parties.

v. After approval of a Management Plan, the Ethics Officer shall provide a copy of the Management Plan to the discloser, the Supervisor, and the appropriate department Chair or Dean (if different from the Supervisor).

vi. Each UWG Employee must comply with any approved Management Plan relating to their Activities and

agree in writing to abide by the Management Plan before UWG Activity may proceed.

Possible conditions or restrictions within a Management Plan may include, but are not limited to:

- Divestiture of an individual’s significant Financial Interest;
- Relinquishment or reassignment of duties that could exacerbate the conflict;
- Severance of relationships or holdings that create conflicts; or
- Placement of holdings in a blind trust for a specific period.

The Ethics Officer shall make the final decision and determine the restrictions and conditions required to ensure UWG compliance with this procedure. Supervisors should direct any questions regarding the proper classification of conflict (Commitment or Interest) to the Ethics Officer at legal@westga.edu.

3. Internal Review

The Ethics Officer may review any UWG Outside Activities relating to past disclosures under this procedure or any Management Plan to assure:

- all relevant Conflicts of Interest have been identified and are being managed appropriately, and
- any systemic weaknesses in the process of Conflict of Interest disclosure (review, approval, and management) at UWG are identified and resolved.

All UWG Employees shall cooperate with such reviews, including requests for documentation. Failure to do so will be considered a violation of this procedure.

4. State of Georgia Reporting

The State of Georgia (O.C.G.A. § 45-10-20 et seq.) requires State employees each year to report any business transactions they have with the State or any of its agencies.

Disclosure reports must be filed with the State of Georgia no later than January 31 of each year. Reporting is not required if each business transaction for the year is less than $250 and the total of all transactions for the calendar year does not exceed $9,000. The Personal Financial Disclosure Statement may be accessed: https://ethics.ga.gov/filings-for-state-employees/.

D. Training

UWG Employees are responsible for completing all training related to this procedure and understanding all applicable laws and regulations relating to Conflict of Commitment and Conflict of Interest.

E. Sanctions for Policy/Procedure Violations

Possible sanctions for violation of this procedure by a UWG Employee may range from administrative intervention to termination of employment, all in accordance with applicable UWG policies and procedures. Violations may include, but are not limited to:

- failure to comply with the disclosure and evaluation process provided under this procedure (by failing to report timely a potential conflict as required, by failing or refusing to respond to requests for additional information, by providing incomplete or knowingly inaccurate information, or otherwise), or
• failure to comply with a Management Plan.

F. Exceptions

Disclosure of Outside Activities is not required for:

• Single-Occasion Activities, involving only a few hours, generally less than one workday, and not recurring. Any questions regarding whether the Outside Activity outside activity is a Single-Occasion Activity should be addressed with the Ethics Officer.

• Faculty employed on an academic year contract where activities occur after spring semester and are completed before the succeeding fall semester.

• Volunteer Activities: Employees do not need approval to participate in volunteer activities or compensated outside activities that do not relate to the employee’s expertise or responsibilities as a UWG employee. The BOR Conflict of Interest Policy, however, still applies, and UWG employees should ensure unpaid and volunteer activities do not create an actual or perceived conflict of interest or otherwise violate BOR policy.

G. Recordkeeping

Records will be maintained for the retention period, as stated in the USG Records Retention Schedules or federal requirements, whichever is longer.

All forms and final notifications 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.

The Ethics Officer or designee shall maintain documentation relating to Conflicts of Interest (including disclosure statements, Management Plans, investigation documents, and other records regarding management or mitigation of Conflicts of Interest). The Ethics Officer may establish standards or guidelines for record-keeping.

The University may establish additional policies and procedures or publish additional Outside Activities and Consulting guidelines.

Definitions

Compensation: any payment, deferred payment, equity, or deferred equity provided in exchange for the expectation that the employee will perform work or services for the benefit of an outside entity. Compensation does not include Honoraria.

Conflicts of Commitment: A Conflict of Commitment arises when the Outside Activities of an employee are so substantial or demanding of the employee’s time and attention as to interfere with the individual’s responsibilities to the department in which the individual works, to students, or to the University.

Conflicts of Interest: A Conflict of Interest arises when an employee is in a position to influence, either directly or indirectly, University business, research, or other decisions in ways that could lead to gain for the employee, the employee’s family, or others to the detriment of the University’s integrity and its mission of academic excellence, research, and public service.

Consult: to engage in any Outside Activity outside activity for Compensation other than Faculty Primary Responsibilities or Faculty Secondary Responsibilities that (1) is based upon professional knowledge,
experience, and abilities of the Faculty, and (2) is performed for any business, self-employment, or public or private entity other than UWG.

**Ethics Officer:** UWG General Counsel or designee.

**Faculty Primary Responsibilities:** teaching, research, clinical practice, service, administrative duties, and other appropriate duties assigned by UWG to the Faculty.

**Faculty Secondary Responsibilities:** professional activities or affiliations traditionally undertaken by faculty outside of the immediate UWG employment but where the Faculty represents UWG and their affiliation to it. Secondary Responsibilities may or may not entail the receipt of Honoraria, remuneration, or the reimbursement of expenses.

**Family:** a UWG employee’s spouse, partner, parent, child, sibling, and any in-laws of the foregoing.

**Financial Interest:** anything of monetary value or potential monetary value.

**Full-time Faculty:** faculty members on contracts of nine months or more

**Full-time Staff:** a non-faculty employee with a work commitment of 30 or more hours per week (.75 or more FTE). Graduate Assistants are excluded from this definition.

**Honoraria:** any payments given for professional or voluntary services that are rendered nominally without charge, and any payments in recognition of these services typically forbid a price to be set.

**Management Plan:** plan to address a Conflict of Interest by reducing or eliminating the Conflict of Interest.

**Outside Activities:** any paid or volunteer activity undertaken by a UWG employee outside the scope of their employment with the University. Outside Activities may include (but are not limited to) consulting, participation in civic or charitable organizations, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in one’s UWG occupation or another. Employees wishing to engage in Outside Activities must obtain approval prior to beginning the Outside Activity.

**Part-time Staff:** a non-faculty employee with a work commitment of 29 or fewer hours per week (less than .75 FTE). Graduate Assistants are excluded from this definition.

**Part-time Faculty:** those Faculty considered to be less than full-time or on a contract term of less than nine months per year.

**Supervisor:** a UWG employee’s unit chair, college Dean, direct supervisor, or equivalent administrator as established by the University Employee’s Dean or Vice President.

**UWG Employee:** a full-time or part-time faculty or staff employee or visiting faculty. Graduate Assistants are excluded from this definition.

## Guidelines/Related material

[O.C.G.A. § 16-10-6](https://www.galaw.com/law/section/16-10-6), Sale of real or personal property to political subdivision by local officer or employee; exceptions; limitation of civil liability

[O.C.G.A. § 45-10-20 through 45-10-28](https://www.galaw.com/law/section/45-10-20), Public Officers and Employees, Codes of Ethics and Conflicts of Interest.

[USG Policy Manual](https://www.usg.edu/policymanual/index.php), sections 8.2.18.2 through 8.2.18.4
Attachments

Outside Activity Conflict Disclosure Form.pdf