

COLUMBUS STATE UNIVERSITY

Policy Name:	Policy on Conflicts of Interest, Commitment, and Outside Activities
Policy Owner:	Provost and Executive Vice President
Responsible University Offices:	Office of General Counsel Office of the Provost and Executive Vice President
Approval Date:	August 7, 2019
Effective Date:	August 12, 2019
Revisions:	None
Policy Number:	TBD
Related Policies:	<i>BOR 8.2.18.2 Conflicts of Interest, Conflicts of Commitment, and Outside Activities</i>

I. PURPOSE

It is not uncommon or improper for employees of Columbus State University to have interests outside his or her University duties and responsibilities. CSU encourages its employees to actively participate in outside activities that enhance their professional skills, constitute public service and do not interfere with or impede their responsibilities to students, colleagues and to the University as a whole. Because engagement in outside activities and decisions regarding University transactions can lead to a conflict of interest or commitment, a compelling need exists to enact a University-wide policy which establishes clear guidelines to report, assess, and rule on requests that may pose threats to the University's educational, financial or operational integrity.

II. APPLICATION OF POLICY

This policy applies to all University faculty and staff, including visiting and part-time faculty and staff. In addition to CSU policies and procedures, all employees are subject to Georgia law and Board of Regents policies governing outside activities and business transactions between employees and state entities.

Routine, single-occasion activities are excluded from disclosure under this Policy.

III. **DEFINITIONS:**

- A. **“Compensation”** – any payment, deferred payment, equity, or deferred equity provided in exchange for the expectation that the faculty or staff member will perform work or services for the benefit of the outside payer. Compensation does not include standard Honoraria.
- B. **“Primary University Responsibilities”** - teaching, research, clinical practice, service, administrative duties, and other appropriate duties assigned by the institution to the faculty or staff member.
- C. **“Secondary University Responsibilities”** - professional activities or affiliations traditionally undertaken by faculty or staff outside of the immediate institution employment context, but where the faculty or staff 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.
- D. **“Financial Interest”** - anything of monetary value or potential monetary value.
- E. **“Full Time”** - the 9 or 12 month period in which a faculty member is under contract during the academic year; during the summer semester, only those faculty members that carry 100% workload are considered full time for the purposes of this policy; for other employees, full time refers to the period of time the employee is employed for at least 30 hours of work per week (0.75 FTE) for the University. (See Faculty Handbook and Employee Handbook for further information).
- F. **“Honoraria”** – 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.
- G. **“Immediate Family”** - a University Employee’s spouse, partner, parent, child, sibling, and any in-laws.
- H. **“Outside Consulting”** – any activity for Compensation **other than Primary Responsibilities or Secondary Responsibilities** that a faculty or staff member may engage in that, (1) is based upon professional knowledge, experience, and abilities of the faculty or staff member that relate to the faculty or staff member’s expertise or responsibilities as a USG employee, and (2) is performed for any business, self-employment, or public or private entity other than his or her institution.
- I. **“Single-occasion activities”** - those activities that occur within a single 24-hour period, that are clearly of a scholarly, professional, or technical nature, rather than

commercial, and in which compensation is not the primary consideration. A single occasion might be, for example, a single visit, telephone conversation, manuscript for review, or written response to a request for assistance.

J. **“Supervisor”** - a University employee’s unit chair, college Dean, direct supervisor or equivalent administrator as established by the University employee’s Dean or Vice President.

IV. **CONFLICT OF INTEREST**

A *conflict of interest* exists when an employee’s decisions regarding his or University responsibilities, use of University resources or other matters of interest to the University are influenced by:

- i. the possibility of personal, professional or financial gain for him or herself, his/her immediate family, or any third party to the detriment of the University's integrity and its missions of teaching, research, economic development, and public service,
- ii. or when an employee desires to acquire a contract (outside of employment) to provide goods or services to the University.

Accordingly, USG employees are generally prohibited from outside 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. Accordingly, this prohibition applies only to those employees supervising or selecting and/or providing oversight of vendor performance and to vendors / prospective vendors of that employee’s institution or the System Office.

An **apparent conflict of interest** arises when an employee is involved in an activity and the circumstances are such that a reasonable person with knowledge of the relevant facts would question the employee’s impartiality, even though no actual conflict exists. Such apparent conflicts can do almost as much damage as actual ones, undermining the credibility of research and scholarship or calling into question the integrity of an employee or the University or both. Apparent conflicts of interest are disfavored and will not be sanctioned by the university unless exceptional circumstances exists that inure directly to the university’s benefit and are consistent with the university’s mission.

V. CONFLICT OF COMMITMENT

A *conflict of commitment* exists 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 unit to which the individual is assigned, to students, or to the University. The specific responsibilities and professional activities that constitute an appropriate commitment may differ across colleges and departments, and may differ if one is a full or part-time employee, but they should be based on a general understanding between the employee and his or her supervisor.

In determining whether a conflict of commitment exists, the University shall abide by the following principles:

- A. Full time employees are expected to carry out their University responsibilities primarily for the education and benefit of CSU students and shall not engage in outside activities that will interfere with the regular and punctual discharge of their official duties;
- B. Full-time faculty and staff may not accept a teaching assignment (including courses taught in person, or via the internet, or some other method of electronic transmittal) from another educational institution or eCore,¹ except under the following circumstances:
 - i. The teaching assignment has been approved in advance by the Provost and does not exceed three (3) credit hours per term. If, however, a single course is 4 credits, it may be approved for the term;
 - ii. Where the teaching assignment exceeds the 3/4 credit hour limits, the Provost may nevertheless approve it where it is determined that approval of the assignment provides a substantial benefit to, and is in furtherance of, the University's stated mission to empower its stakeholders to make a contribution to society; the assignment is part of a CSU sponsored joint program with another educational institution, and has been memorialized in a memorandum of understanding or agreement; or
 - iii. The assignment is at another USG institution and has been properly reviewed and approved according to BOR dual employment guidelines; or
- C. For nine (9)-month faculty, the maximum limit he or she may engage in outside consulting activities is one (1) day per week.

¹ eCore is the University System of Georgia's online core curriculum.

- D. Twelve (12)-month faculty assigned to administrative positions must take annual leave when engaged in outside consulting during their normal work hours consistent with the USG procedures governing the use of annual leave;
- E. Requests for permission by full-time faculty and staff to engage in outside activities under this section of the policy will be assessed based not only on the commitment of time to the effort, but whether the outside activity conflicts with or competes with CSU's existing or potential academic offerings, whether the activity is consistent with CSU's purpose and mission, and whether approval of the request would result in an economic disadvantage or reputational risk to CSU.
- F. Service to outside educational, professional, scientific, artistic, cultural, civic, business, or other organizations that furthers the career of the individual while enhancing their value to CSU does not adversely affect that employee's commitment to CSU.
- G. Although certain provisions under this section refer only to full-time faculty and staff, part-time employees are expected to stay alert to the underlying concerns it addresses, and seek guidance from their Supervisor, Department Head or Dean when their outside activities may reasonably appear relevant to any of the concerns outlined in this Policy

VI. DISCLOSURE REQUIREMENTS

Pursuant to BOR Policy 8.2.18.2, CSU employees wishing to engage in outside activities must complete and submit a **Request for Approval to Engage in Outside Activity Form**.

- A. Timing of Disclosure - Disclosure must be made at one or more of the following times:
 - i. annually and prior to initiating the activity;
 - ii. at a specified time designated by the Provost;
 - iii. at the time of an employee's initial hiring, and/or
 - iv. whenever the employee's situation changes, such as when an employee engages in a separate or new activity that has not been previously reported.
- B. When Disclosure is Necessary - To effectively prevent conflicts, or the appearance thereof, this policy requires:
 - i. disclosure of outside activities in which the employee is compensated and which relate to the employee's expertise or responsibilities as a USG employee;
 - ii. disclosure to supervisors of outside activities, including but not limited to outside consulting, teaching, speaking, and participating in an educational,

business or service enterprise;

- iii. disclosure of university transactions in which the employee or that employee's family has a personal or financial interest.

- C. Part-Time Employee Disclosure Requirements -- Each USG Employee with a work commitment of less than thirty (30) hours per week (0.75 FTE or <), and faculty members on a contract term of less than nine (9) 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.*
- D. Direct Reports to President - Individuals at the level of Vice President or who report to the President directly must obtain approval from the University President, whose authority cannot be delegated.
- E. Submitting the Disclosure Form – Upon receipt from the employee, the supervisor shall make the initial decision regarding whether to approve or deny the outside activity request. The Supervisor's decision shall be subject to review by the Department Head, Dean or Vice President. If an actual or potential conflict is identified, the employee shall be notified in writing that the activity or transaction is not approved and the reasons underlying the decision. Such denial shall not be subject to further review. The Provost and Executive Vice President may overrule a decision by a Department Head, Dean or Vice President to approve an outside activity request. Such decision shall be final and not subject to review.
- F. Advice and Counsel - The University shall provide readily available advice and counsel to employees and department heads on any conflict situation and assessment of requests to engage in activities falling under this Policy.

VII. RESEARCH ACTIVITIES

This Policy applies to all employees who apply for and/or receive instruction, research, or service funding or other support from external agencies or organizations. Disclosure of potential conflicts of interest related to external grants and sponsored projects should also be made to the Office of Grants & Sponsored Projects.

VIII. USE OF UNIVERSITY RESOURCES

University employees may not use University facilities, resources, equipment or services in connection with any outside employment or outside consulting or other non-University activity, except in a purely incidental way or as provided below.

In certain situations, subject to the other restrictions of this Policy, other University policies and procedures and state law, a University Employee or a commercial entity in which a University

Employee has a Financial Interest may access University facilities or equipment on the same terms as such facilities or equipment are available to persons or organizations outside of the University. Arrangements for reimbursing the University must be made prior to using the University's facilities or equipment for outside activities. The reimbursement plan will include costs consistent with rates charged to outside groups or persons.

IX. SANCTIONS

Employees who do not comply with the conflict of interest policy may be subject to sanctions or other actions permitted by University policy, which shall be applied according to the provisions of employment, academic responsibility and tenure, including possible termination or tenure revocation.

X. EXISTING STATE LAWS REGARDING CONFLICT OF INTEREST

Transacting Business with the State

O.C.G.A. 45-10-20 through 45-10-28 requires all CSU employees to disclose business transactions conducted by themselves or family members with the state or any state agency. Transacting business is defined as selling real property, personal property, or services, or purchasing surplus real estate or personal property.

NOTE: No report is required if each business transaction for the year is less than \$250.00 and the total of all transactions for the calendar year does not exceed \$9,000.00.

Filing the Report: State employees to file annual disclosure statements of business transactions with the State. The report is required to be filed electronically (E-File) with the Georgia Government Transparency and Campaign Finance Commission at ethics.ga.gov. Further information and additional explanation of the filing requirements can be found [here](#).

Acceptance of Gratuities

Pursuant to O.C.G.A. § 16-10-2, a University System of Georgia (USG) employee 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 or 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 or her official functions, is a felony.

A USG employee, or any other person on his or 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)). 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.

For purposes of this policy a gift is defined as lodging, transportation, personal services, a gratuity, subscription, membership, trip, loan, extension of credit, forgiveness of debt, advance or deposit of money, or anything of value.

A gift shall not include:

1. Food or beverage consumed at an occasional meal or event, provided the value is reasonable under the circumstances ***but in no event exceeds \$100 per person.***
2. Food, beverages, and registration at group events to which substantial numbers of employees of the University System Office or a USG institution are invited.
3. Food, beverage, or expenses afforded employees, relatives or others that are associated with normal and customary business or social functions or activities.
4. 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 in writing by the Chancellor, the President, or his/her designee.
5. Promotional items generally distributed to the general public.
6. Textbooks, software, and instructional materials to be reviewed by teaching faculty.
7. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, private or public service or achievement.
8. Legitimate salary, honoraria, benefit, fees, commissions, or expenses associated with the recipient's non-public business, employment, trade, or profession.
9. Gifts from a person or entity who is neither a lobbyist nor a vendor as those terms are defined in State Statutes, nor a student or patient at an institution.
Outside consulting fees, honoraria, or financial benefits from sponsors or foundations, received in conformance with USG policies, institution policies, and Georgia law.
10. Gifts to or from USG foundations or other separately incorporated, charitable entities.