

University of Georgia Conflicts of Interest, Conflicts of Commitment, and Outside Activities Policy

As required by Board Policy 8.2.18.2, *Conflicts of Interest, Conflicts of Commitment, and Outside Activities* (<https://www.usg.edu/policymanual/section8/policy/C224/>), the University has updated its internal Conflicts of Interest, Conflicts of Commitment, and Outside Activities Policy, effective September 5, 2019.

Conflicts of Interest and Apparent Conflicts of Interest

Each University of Georgia (UGA) employee shall make every reasonable effort to avoid actual or apparent conflicts of interests. 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. An apparent conflict can exist even in the absence of a legal conflict of interest. UGA employees are referred to State Conflict of Interest Statutes O.C.G.A. § 45-10-20 through § 45-10-70.

UGA employees have an ongoing responsibility to report and fully disclose any personal, professional, or financial interest, relationship, or activity that has the potential to create an actual or apparent conflict of interest with respect to the employee's UGA duties through the UGA Conflicts of Interest Disclosure Form ([Disclosure Form](#)). If disclosure is required, this form must be filled out at the time of initial hire, at the time the need for a disclosure arises, and annually during the employee's performance evaluation. It is the responsibility of the employee and the employee's supervisor to discuss and address any actual or apparent conflict of interest between the employee's UGA duties and the employee's outside interests. All colleges, schools, and units must retain a signed copy of the UGA Conflicts of Interest Disclosure Form and any management plan (per Board of Regents records retention guidelines).

Conflicts of Interest – Research and Institutional

UGA recognizes the benefits of collaboration and commercialization with the private sector and other third-party entities that support the UGA mission. The resulting relationships and agreements, however, must not undermine the public's trust, compromise the integrity of the UGA mission, or inappropriately influence teaching, research, and service activities. Under no circumstances should a grant, gift, contract or other funding be accepted that limits the ability of UGA employees to conduct or report the results of research in accordance with applicable scientific, medical, professional, and ethical standards.

- See [Office of Research Policy on Conflicts of Interest in Sponsored Programs](#)

Conflicts of Commitment

A UGA 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.

Outside Activities

Compensated Outside Activities of Faculty and Staff

Each UGA employee with a work commitment of 30 or more hours per week (.75 or more FTE) must obtain written approval prior to engaging in compensated outside activities that relate to the employee's expertise or responsibilities as a UGA employee. Such activities include consulting, teaching, speaking, and participating in business, professional, or service enterprises.

Employees at UGA must obtain written approval from the President or the President's designee utilizing procedures for defining and managing potential and apparent conflicts of interest.

- The President has delegated approval authority to the Dean, Department Head, Vice President, Associate Provost, or Director of the employee's college, school, or unit. For Deans, the President has delegated approval authority to the Senior Vice President for Academic Affairs and Provost.
- Staff are pre-approved to perform compensated outside activities if all six of the following conditions are met:
 - (1) the employee's UGA job has no supervisory responsibilities;
 - (2) the compensated outside activity is not for a current or prospective UGA vendor the employee interacts with, supervises, or is involved in the selection or evaluation of;
 - (3) the compensated outside activity occurs outside of the employee's UGA work hours;
 - (4) no UGA resources are utilized in the performance of the compensated outside activity;
 - (5) the employee submits a [University of Georgia Staff Notification Form for Pre-Approved Compensated Outside Activities](#) in advance to the employee's Department Head or Director (with the Notification to be re-submitted annually); and
 - (6) the compensated outside activity complies with any unit-specific restrictions imposed by the employee's unit, as approved in writing by Human Resources.

If all six of these conditions are met, then pursuant to this Policy, the employee has written approval to engage in the compensated outside activity.

- An employee is not required to obtain written approval nor provide any type of notification prior to engaging in compensated outside activities that do not relate to the employee's expertise or responsibility as a UGA employee.

The President must obtain approval from the Chancellor or the Chancellor's designee.

- The President must obtain approval to participate in compensated outside activities by completing and submitting this [form](#) to the USG Office of Ethics and Compliance at the contact information listed below. The USG Office of Ethics and Compliance will review the information in consultation with the USG Office of Legal Affairs and will note any

concerns. Final approval for compensated outside activities for the President will be made by the Chancellor or Chancellor's designee.

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

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.

- Direct reports of the President and those with a title of Vice President or equivalent seeking to participate in compensated outside activities must submit this [form](#) through the President's Office to the USG Office of Ethics and Compliance using the contact information listed below. The USG Office of Ethics and Compliance will review the information in consultation with the USG Office of Legal Affairs. Any concerns will be noted and provided to the President to address. Final approval for compensated outside activities for the President's direct reports and those with a title of Vice President or equivalent will be made by the President. Requests must be reviewed by the USG Office of Ethics and Compliance prior to final approval by the President.

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UGA employees with a work commitment of less than 30 hours per week (less than .75 FTE) 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.

Definitions

"Compensation" is defined as 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 the outside payer. Compensation does not include standard Honoraria.

"Honoraria" are defined as 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. See Section 8.2.18.4 Gratuities for guidance on accepting expense reimbursement from outside parties.

"Faculty Primary Responsibilities" are defined as teaching, research, clinical practice, service, administrative duties, and other appropriate duties assigned by UGA to the faculty member.

"Faculty Secondary Responsibilities" are defined as professional activities or affiliations traditionally undertaken by faculty outside of the immediate institution employment context but where the faculty member represents UGA and his or her affiliation to it. Secondary

Responsibilities may or may not entail the receipt of Honoraria, remuneration, or the reimbursement of expenses.

“Outside Consulting” is defined as any activity for Compensation other than Primary Responsibilities or Secondary Responsibilities that a faculty member may engage in that (1) is based upon professional knowledge, experience, and abilities of the employee that relate to the employee’s expertise or responsibilities as a UGA employee, and (2) is performed for any business, self-employment, or public or private entity other than UGA.

“Faculty” is defined in accordance with Board of Regents Policy [Section 3.2 Faculties](#), and includes full-time research and extension personnel and duly certified librarians on the basis of comparable training.

"Vendor" means any person who sells to or contracts with UGA for the provision of any goods or services.

Required Leave and Honoria for Compensated Outside Activities

Staff must take annual leave for outside activities during the staff member’s work hours consistent with the UGA procedures governing the use of leave.

Full-time faculty may engage in outside consulting work during work hours an average of one day per week (8 hours). Any portion of the average one day per week in any month not used within the month will be forfeited and not rolled over to the next month.

A faculty member that works less than full-time, but .75 FTE or more, must prorate the allowable time to engage in outside consulting during work hours based upon their assigned FTE (*e.g.*, a 0.75 FTE faculty member may engage in an average of 6 hours consulting per week during work hours). Any portion of the average prorated time not used within a month will be forfeited and not rolled over to the next month.

Pursuant to Board of Regents Policy, the President has granted permission for twelve-month faculty who earn annual leave to not take leave for consulting during the faculty member’s work hours as long as twelve-month faculty stay within the maximum limit, on average, of one day (8 hours) per week and the Approver (as defined below) has determined there is no conflict of commitment or conflict of interest.

Each college, school, and unit may adopt an individual policy for a maximum number of allowable days that is less than an average of one day per week, in which case the faculty member must follow such college, school, or unit policy. If the faculty member has a joint academic appointment, then the faculty member will be bound by the policy of the unit that provides for the greater number of allowable days.

Staff may not receive Honoraria for activities during the employee’s work hours.

Compensated Outside Activities with UGA Vendors

UGA employees are generally prohibited from consulting with or otherwise receiving compensation from a current vendor of, or an entity seeking a vendor relationship with, UGA.

Exceptions to this provision may be granted on a case-by-case basis by the President or President's designee for UGA employees that do not supervise, regularly interact with, or participate in the selection of vendors for UGA or in those instances where the employee seeking to consult for a vendor or potential vendor is not involved in any way with supervising, regularly interacting with, or selecting said vendor or potential vendor.

Similar exceptions for the President may be granted by the Chancellor or Chancellor's designee. This prohibition does not apply to vendor or service relationships between UGA and other government entities.

Guidelines for Disclosure and Approval of Compensated Outside Activities

An employee may engage in compensated outside activities, provided that:

1. All full-time employees at UGA must disclose all proposed compensated outside activities at least two weeks in advance by submitting the following Approval Form: [University of Georgia Compensated Outside Activities Approval Form](#) (Approval Form). Staff who meet the requirements for pre-approval of compensated outside activities should use the following Notification Form: [University of Georgia Staff Notification Form for Pre-Approved Compensated Outside Activities](#) (Notification Form).
2. An employee cannot engage in any compensated outside activities prior to reporting and receiving approval in advance by submitting either the Notification Form (for staff if requirements for pre-approval are met) or the Approval Form (for all other employees). Engaging in compensated outside activities without prior approval will be considered a violation of this Policy.
3. During periods when a faculty member is not on payroll for 0.75 or more FTE with UGA, including during summer months, there is no limit to the number of days per month the faculty member can engage in compensated outside activities, as long as that compensated outside activity is approved pursuant to this Policy.
4. Compensated outside activities must not create a conflict of interest or, if they do create a conflict of interest, that conflict of interest must be disclosed, and a management plan established and followed before the employee performs the compensated outside activity.
5. An employee may not use UGA personnel, equipment, facilities, or materials in performing compensated outside activities absent prior University approval. 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/or materials and an agreed plan for reimbursing UGA for such use at rates equivalent to those charged to outside groups or persons.

Required Actions

Step 1. Employee Responsibilities. An employee who intends to engage in new compensated outside activities (or ongoing compensated outside activities that were not previously approved in the current fiscal year) is required to complete the [Approval Form](#), or the [Notification Form](#) (for staff who meet the requirements for pre-approval), at least two weeks before engaging in the activity.

Compensated outside activities can be either non-recurring or recurring, and the following provisions apply to the two categories:

- **Non-recurring Compensated Outside Activities:** A single activity with a defined start and end date. Example: A faculty member proposes to consult with a company for two consecutive days. An Approval Form or Notification Form is submitted a single time and at least two weeks in advance of the proposed compensated outside activity.
- **Recurring Compensated Outside Activity:** A recurring activity that takes place over the course of weeks or months or even years. Examples: (1) A faculty member is retained by a law firm as an expert witness, and the duration of the activity is less defined and over an extended period of time, or (2) A faculty member is engaged in the operations of a start-up company. Often the extent of such activities (number of engagements, types of activities, and/or overall time) is not initially known but can be estimated. Therefore, at the time of the initial submission of the Approval Form, the faculty member must submit a best estimate of the time to be committed to the activity for the duration of the existing fiscal year ending June 30. Then, on or before July 1, the faculty member must submit a new Approval Form if the proposed compensated outside activities will extend into a new fiscal year. The purpose of the new Approval Form is to update the original time estimate, identify any changes in compensated outside activities, and allow the University to consider approval of those revised activities.

Step 2. Approver Responsibilities. For non-supervisory staff who meet the requirements for pre-approval of compensated outside activities pursuant to this Policy, no further approval is required. For all other employees, the Dean, Department Head, Vice President, Associate Provost, or Director of the employee's college, school, or unit of primary appointment (the "Approver") is responsible for reviewing requests to engage in compensated outside activities. The Approver has the responsibility to thoroughly review the Approval Form and approve or reject the proposed compensated outside activity. Specific consideration must be given to whether the proposed compensated outside activity creates a conflict of commitment or conflict of interest. The Approver must determine whether the employee has competing interests or loyalties that are, or potentially could be, at odds with the interest of UGA or whether the employee's compensated outside activities interfere with the regular and punctual discharge of the employee's official duties. The Approver may approve the proposed compensated outside activity as submitted, reject pending additional information or clarification, or reject outright if in the discretion of the Approver the work creates a conflict of interest that cannot be appropriately managed or if there is a conflict of commitment. All colleges, schools, and units must retain a signed copy of the approved Approval Form and any management plan (per Board of Regents records retention guidelines).

Required Terms

Any agreement for compensated outside activities executed between an employee and the outside entity must include the following statement:

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

In addition, the employee must include the following disclaimer in any presentations or reports written, signed, or prepared by the employee for an outside entity for which the employee performs compensated outside activities:

“This content represents the opinions of the consultant. It carries no endorsement of the University of Georgia.”

Failure to Disclose Outside Consulting and/or Lack of Adherence to this Policy

An employee’s failure to comply with this Policy, including failure to accurately and timely disclose all compensated 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.

- Academic Affairs Policy Manual, 1.13 Discipline and Removal of Faculty Members (<https://provost.uga.edu/policies/academic-affairs-policy-manual/1-13-suspension-and-dismissal/>)

Adopted September 5, 2019.