

SOUTHERN METHODIST UNIVERSITY
UNIVERSITY POLICY MANUAL
Policy Section General Policies

Policy Number: 1.3.2

Date Adopted: Click or tap to enter a date.

Revised as of: Click or tap to enter a date.

Date of last review: Click or tap to enter a date.

Policy Title: Conflict of Commitment

1. Definitions

Definitions of capitalized terms are set forth in Appendix A.

2. Purpose

The purpose of this policy is to provide guidance to University faculty and staff activities that may create a Conflict of Commitment. A Conflict of Commitment arises when either Outside Activities or Ordinary Institutional Activities, interfere with the ability of faculty and staff to fulfill University expectations, obligations, and imparting knowledge through teaching, research, and service, to shape world changers who contribute to their communities and excel in their professions.

3. Policy Statement

The University expects faculty and staff to commit their professional skills, obligations, work effort, time, and resources to the University. University faculty are responsible for teaching, research, scholarly activity, and service to the University. University faculty can participate in Outside Activities and Ordinary Institutional Activities, but must not allow either Outside Activities or Ordinary Institutional Activities to interfere with their University Responsibilities. University staff must obtain prior approval for all Outside Activities.

This policy provides guiding principles to University faculty and staff whenever a Conflict of Commitment issue arises. University faculty and staff are encouraged to consult the Council on Conflict of Interest and Commitment whenever there are any questions about whether a particular activity, arrangement, or set of circumstances falls within the scope of this policy and how this policy is to be interpreted with respect to it. The University desires for Conflicts of Commitment to be identified early, be properly Disclosed, and be appropriately addressed in accordance with this policy. This policy complements University Policy 1.3, Conflict of Interest; University Policy 2.8 Extra Compensation; University Policy 2.9, Consulting and Sponsored Projects; and University Policy 10.7, Financial Conflicts of Interest in Externally Sponsored Research. Outside Activities may implicate all or a combination of these University Policies in addition to this Conflict of Commitment Policy.

4. Required Approval for Conflicts of Commitment

No activity, arrangement, or set of circumstances giving rise to a Conflict of Commitment shall be permitted without prior approval of such Conflict of Commitment by a Dean or his/her designee with respect to faculty and by a direct supervisor with respect to staff, in accordance with Section 7. The initial disclosure is reviewed by an appropriate supervisor, which can include the Provost, Deans, and/or department chairs or direct supervisors, all of whom may at their discretion request a secondary review performed by the Council of Conflict of Interest and Commitment. The Council on Conflict of Interest and Commitment may review decisions of supervisors, Deans, and/or department chairs or direct supervisors in the event the faculty or staff appeals the decision made by the supervisors, Deans, and/or department chairs or direct supervisors.

A University Council on Conflict of Interest and Commitment will serve as a resource on Conflict of Commitment matters. The Council shall have representatives from several areas across the University, appointed by the President or their designee, including faculty, staff, research, legal, and compliance. The President or their designee shall appoint the chair of the Council, and the representatives on the Council shall serve for a renewable three-year term.

5. Advance Disclosure of Outside Activities Faculty

- a. Faculty shall Disclose in advance all Outside Activities which may interfere with University Responsibilities. Outside Activities must be Disclosed if engaging in the activity requires a substantial commitment of time, or compromises, or has the potential to interfere with University Responsibilities.
- b. Faculty may devote a maximum of one day per week during their contract term to Outside Activities. The base academic year calendar is a nine-month contract from August 15 to May 15. Summer compensation limits on Outside Activities during

with their direct supervisor a Potential/Proposed Conflict of Commitment Disclosure Form (Appendix C) relating to the subject Conflict of Commitment.

7. Approval Process

With respect to any proposed Conflict of Commitment involving the activities of University faculty or staff, the Dean or direct supervisor shall, promptly after being notified of such Conflict of Commitment from any source, determine whether the conflict will disrupt or interfere with University Responsibilities. Notification can come also from the Council on Conflict of Interest and Commitment upon review of the annual reports and/or a Mandatory Disclosure initiated by the faculty or staff member. The culmination of this initial review will be confirmed through written notification to the University member about the outcome of the review and whether a Management Plan will be developed.

The Dean, direct supervisor, or the Council on Conflict of Interest and Commitment may, at their discretion, initiate a review of any proposed or potential Conflict of Commitment based on the Annual Report of Outside Activities required by Section 10 or to address any perceived Conflict of Commitment. Deans, direct supervisors, and members of the Council on Conflict of Interest and Commitment shall consider the following questions in determining whether a Conflict of Commitment exists:

- < Has the faculty or staff member made satisfactory arrangements to cover all University Responsibilities during their absence?
- < Has the faculty or staff member engaged in Outside Activities during the current appointment year in excess of two (2) days per month during the duration of their contract (9, 10, 11, or 12 month)?
- < Does engaging in the Outside Activity advance the skills and abilities of the faculty or staff member, with resultant benefit to the University?
- < Will engaging in the Outside Activity be detrimental to the University?
- < Is the faculty or staff member in good standing and meeting expected standards of performance?
- < Does the Outside Activity interfere or have the appearance of interfering with the faculty or staff member's assigned duties?

After consulting and reviewing all the material facts, the Dean, direct supervisor, or Council on Conflict of Interest and Commitment shall decide (1) whether such facts give rise to a Conflict of Commitment and (2) if so, whether such Conflict of Commitment should be approved or not approved. The Dean, direct supervisor, or Council on Conflict of Interest and Commitment as appropriate, shall notify in writing the faculty or staff member and department head or supervisor of the decision. If a Conflict of Commitment is determined, this notification will include a Management Plan as described in Section 9 of this policy.

If the Dean or direct supervisor cannot determine whether an activity, arrangement, or set of circumstances giving rise to a Conflict of Commitment should be approved, the Vice President/Provost responsible for the division in which the faculty or staff member is employed will make the final determination as to whether the Conflict of Commitment shall be approved.

8. Terms and Conditions

The Dean or direct supervisor shall have the authority to impose such terms and conditions as they deem appropriate, and must review their recommendations with the Council on Conflict of Interest and Commitment, for granting approval to any proposed Conflict of Commitment including implementing management plans for such Conflict of Commitment and imposing restrictions and reporting requirements on the University faculty or staff involved in such Conflict of Commitment.

9. Management Plans

- a. . If the Dean or direct supervisor determines that engaging in an Outside Activity or Ordinary Institutional Activities poses a Conflict of Commitment the Dean or direct supervisor must develop a written management plan in collaboration with the faculty or staff member. Management plan actions will vary based on the situation and may include:
 - absence; strategies to eliminate the conflicting elements of the activity;
 - prohibition of the Outside Activity; or a formal reduction in employee effort, salary, or a leave of absence from the University commensurate with the magnitude of the Conflict of Commitment.
- b. . A copy of management plans related to Conflicts of Commitment shall be provided to the Council on Conflict of Interest and Commitment.
- c. . If a faculty or staff member wishes to dispute a proposed management plan, the grievance procedures for University staff may be found in University Policy 7.25, Grievances and Appeals of University Employment Actions. Faculty can appeal by requesting a review by the Faculty Senate Ethics and Tenure Committee, which will make a recommendation to the Provost, whose decision will be final.

10. Annual Report of Outside Activities

- a. . During January of each year, University faculty shall complete an Annual Report of Outside Activities (Appendix B) as provided to the faculty by the University for that purpose and shall file it with the Council on Conflict of Interest and Commitment.
- b. . University faculty, prior to any Material Change in the status reported during the Annual Reporting period, shall complete and file a Revised Annual Report of Outside Activities. The revised Annual Report of Outside Activities will be reviewed by the Council on Conflict of Interest and Commitment and follow the Approval Process laid out in Section 7.

11. Confidentiality

University faculty and staff shall not use confidential information acquired as a result of service to the University for any purpose unrelated to University business, or provide such information to any third party, without the prior written consent of the President or his/her designee. Wrongful use of University information includes, but is not limited to, the use or disclosure of confidential information while participating in any Outside Activity.

12. Violations

The University shall have the authority to conduct an investigation of any suspected violation of this policy by any University faculty or staff member. A violation of this policy may be grounds for disciplinary action that the University deems appropriate against the subject University faculty or staff member.

Appendix A Definitions

"Annual Report of Outside Activities" is an annual report completed by faculty and staff members, including administrators with faculty appointments, for the purpose of Disclosing all Outside Activities, compensated or uncompensated, from the previous calendar year. Ordinary Institutional Activities and activities that occurred outside of the period of the faculty contract are excluded from this reporting requirement.

"Compensation" is remuneration or valuable goods received for work performed and does not include reimbursement for reasonable expenses, such as travel, lodging, and food expenses that are within University-approved parameters.

"Conflict of Commitment" means a situation in which an employee engages in an Outside Activity, paid or unpaid, that involves a commitment of time or effort that may interfere, or appear to interfere, with fulfillment of the employee's obligations to the University, even if the Outside Activity is valuable to the University or contributes to the employee's professional development and competence. In some cases, Conflicts of Commitment can involve a disproportionate distribution of time and/or effort on Ordinary Institutional Activities, such that the faculty or staff cannot adequately perform University Responsibilities.

"Dean" means the Dean of Graduate Studies of the University or their designee, and (c) the Dean of Central University Libraries of the University or their designee.

"Direct Supervisor" means the named supervisor to whom the staff member reports and who conducts time approvals and annual performance reports.

"Disclose" means providing written notice of a specific Outside Activity in advance of engaging in the activity or whenever the situation changes to provide an opportunity for the review and management of possible Conflicts of Commitment.

"Entity" means a non-University organization, whether public, private, or not-profit.

"External Activities" are services to a non-University Entity, whether or not related to the faculty member's professional expertise. These activities may require Disclosure in advance of engaging in the activity. These activities may also create a conflict of interest as described in University Policy 1.3, Conflict of Interest.

"General Counsel" means the General Counsel of the University.

"Material Change" means any change in commitments to Outside Activities that will cause the total commitment to exceed one (1) day per week during the academic year, or a total of forty (40) days per academic year, or will potentially interfere with University Responsibilities.

"University Responsibilities" are teaching, research, scholarly activity, and other service to the University (e.g. student office hours, University committee service, departmental and school meetings, maintaining compliance with required trainings, program review, generating new knowledge and outreach).

[Appendix B: Annual Report of Outside Activities](#)

Please visit this link for the Annual Report of Outside Activities.

[Appendix C: Potential/Proposed Conflict of Commitment Disclosure Form](#)

Please visit this link for the Potential/Proposed Conflict of Commitment Disclosure Form.