

SOUTHERN METHODIST UNIVERSITY
UNIVERSITY POLICY MANUAL
Policy Section: General Policies

Policy Number: 1.3.2

Date Adopted: Click or tap to enter a date.

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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 on 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 responsibilities. The University's core goals include creating, expanding, and imparting knowledge through teaching, research, and service, to shape world changers who contribute to their communities and excel in their professions in a global society. The University cultivates principled thought, develops intellectual skills, and promotes an environment emphasizing individual dignity and worth. Accordingly, all individuals in the University community have a clear obligation to make decisions and conduct the affairs of the University based upon the desire to promote the best interests of the University in a manner consistent with those goals. There are opportunities for professional interactions and development that may benefit the University community and its individual members, but which may also present the potential for or the appearance of conflicting loyalties and responsibilities for the individuals within the University community. In evaluating a Conflict of Commitment, University faculty and staff will not compromise University interests and will treat those interests as paramount to all other interests. All decisions and actions of University faculty and staff involving a Conflict of Commitment are to be made in a manner that is consistent with this policy. This policy shall apply to all University faculty and staff. The University from time to time may adopt supplemental or alternative policies related to particular Conflict of Commitment situations and issues such as Conflicts of Commitment relating to the research activities of the University.

3. Policy Statement

The University expects faculty and staff to commit their professional skills, obligations, work effort, time, and University resources primarily to the fulfillment of the University's mission. 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 relevant 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. *Disclosure Requirements Generally.* 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 appearance of compromising, a faculty member's professional judgment in performing the faculty member's University Responsibilities.
- b. *Time Limits on Outside Activities.* 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 (9)-month contract from August 15-May 15. Summer compensation limits on Outside Activities during

summer employment shall follow the guidelines laid out in University Policy 2.8 Extra Compensation. There will be no carryover from one year to the next, and there is an expectation that these days are spread evenly across the year. No member shall be absent from their assigned classes or other regular instructional or service duties except by permission of the appropriate Dean. The Dean may impose stricter requirements than these time limitations to address individual concerns.

- c. *Disclosure of Ordinary Institutional Activities.* Ordinary Institutional Activities shall be Disclosed if the time required to conduct the activity interferes with the performance of assigned University Responsibilities and results in a disproportionate distribution of time spent that impacts other Ordinary Institutional Activities (e.g., the faculty member will miss a class or regular office hours; the faculty member cannot participate in regular faculty meetings; the faculty member is unable to complete an equitably distributed contribution of service to the department, school or University, etc.).
- d. *Mandatory Disclosures.* In addition to annual reporting, faculty must Disclose Outside Activities for prior approval by a Dean, regardless of any actual or anticipated time commitment, when a faculty member intends to engage in any of the following non-exhaustive list of examples:
 - i. intends to apply for or accept grants or other funding in association with a non-University Entity for research or scholarship;
 - ii. proposes to teach a course, either online or in person, at another college or university;
 - iii. intends to accept other off-campus employment;
 - iv. will consume University resources for a non-University project or for other employment, understood as involving the use of University space, equipment, technology, staff support, etc.;
 - v. when the activity will require the faculty member to miss instructional obligations (e.g. a class or regularly scheduled office hours);
 - vi. when the activity results in the faculty unable to attend regular faculty meetings or complete their proportional service responsibilities; or
 - vii. engages in any activity that has a required disclosure per University Policy 2.9, Consulting and Sponsored Projects.
- e. *Disclosure of Potential or Proposed Conflict of Commitment.* Each University faculty who becomes subject to a Disclosure obligation under the annual reporting review or the Mandatory Disclosure process in Sections 5(a) through 5(d), shall promptly complete, sign, and file with the Council on Conflict of Interest and Commitment and their Dean, a Potential/Proposed Conflict of Commitment Disclosure Form (Appendix C) relating to the subject Conflict of Commitment.

6. Advance Disclosure of Outside Activities - Staff

- a. *Disclosure Requirements Generally.* University staff cannot engage in Outside Activities during their regularly scheduled work hours unless they are on an unpaid leave of absence, use vacation time, or have Disclosed the activity and received the prior approval of the staff member's direct supervisor.
- b. *Disclosure of Potential or Proposed Conflict of Commitment.* Each University staff, who becomes subject to the Disclosure obligation under this Section, shall promptly complete, sign, and file

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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 of 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 or 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. *Management Plans Generally.* 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: arrangements to cover all University Responsibilities during the faculty or staff member's 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. *Management Plan Retention.* A copy of management plans related to Conflicts of Commitment shall be maintained in the faculty or staff member's confidential personnel file.
- c. *Appeals.* 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. *Required Annual Report of Outside Activities.* 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. *Disclosure of Material Changes.* 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.

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 (a) the Dean of each University's academic college/schools or their designee, (b) 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-for-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.

“Ordinary Institutional Activities” include activities in which University faculty are expected to engage that extend the faculty member's professional portfolio and University Responsibilities of teaching, research, scholarly activity, and other service to the University. These activities require Disclosure if the time committed to them interferes with the performance of University Responsibilities and results in a

disproportionate distribution of faculty time and effort. Examples of Ordinary Institutional Activities include:

- Attending or presenting at professional meetings, workshops, colloquia, symposia, seminars, or training programs;
- Evaluation of colleagues at other colleges and universities through participation in program evaluations and tenure and promotion reviews.
- Visiting other sites in connection with accreditation, audits, sponsored project reviews, research, or like activities;
- Preparation of monographs, chapters, and editorial services for nonprofit educational organizations.
- Service on review panels for the federal government.
- Service on advisory committees and evaluation panels for nonprofit foundations and educational organizations.
- Leadership positions in professional or scholarly societies.
- University-related public engagement.
- Writing or producing academically related books, articles, software and similar materials, or other creative works ordinarily considered in decisions relating to the employee's employment status or salary.
- Invited or juried installations, shows, or exhibitions.
- Musical, literary, or theatrical performances.

“Outside Activities” are Outside Professional Activities or External Activities. Outside Activities do not include Ordinary Institutional Activities. Outside Activities may also create a conflict of interest as described in University Policy 1.3, Conflict of Interest.

“Outside Professional Activities” are services to a non-University Entity, whether compensated or not, which involve a faculty member's expertise or the practice of their profession and are not a part of the employee's position responsibilities. These activities may require Disclosure before engaging in the activity. These activities may also create a conflict of interest as described in University Policy 1.3, Conflict of Interest. Examples include, but are not limited to:

- Teaching, research, service or administrative activities at a non-University Entity.
- Employment at a non-University Entity.
- Participating in founding a company or in a company's ongoing operation.
- Providing consulting services outside of the University.
- Serving on a board of directors or in an executive or managerial position for non-University Entity or that is not a professional association in the faculty or staff member's field.
- Serving on a scientific advisory board for a company.
- Serving as an expert witness.
- Presenting at a symposium or workshop on behalf of a non-University entity.

“University” means Southern Methodist University and its subsidiaries and affiliates.

“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.