

Kennesaw State University
Frequently Asked Questions Related to
Outside Activities and Conflicts of Interest

These are answers to some frequently asked questions on these topics.

I. FAQs for all employees (faculty and staff).

Q: Do these rules apply to part-time, temporary and occasional employees?

A: Yes. The rules requiring disclosure and management of conflicts of interest apply to everyone. The rules requiring prior approval for outside activities also apply to everyone, though part-time faculty and staff whose KSU assigned work effort is less than half-time may engage in outside activities under specific conditions laid out in our guidelines posted at: <http://coi.kennesaw.edu/>.

Q. Do I need to take leave to engage in outside activities?

A. Yes, if you earn leave, and the outside activity will take place during your normal working hours. For employees who do not earn leave, your approval to engage in the outside activity would be your approval to miss any KSU work. For academic-year faculty, such approvals can only be granted up to a maximum of one day per month, on average.

Q. How will conflicts of interest be managed?

A. The default management plan for a conflict of interest will be to avoid it. In other words, for the faculty and staff member to arrange their affairs so that there is no conflict of interest. However, with KSU's prior written permission, certain conflicts may be able to be managed in other ways. This depends greatly on the individual facts of each case, but management plans can include elements such as:

- disclosure and transparency to everyone affected by the conflict;
- monitoring of the conflict by an impartial party;
- limiting an employee's involvement in certain decisions (i.e., recusal);
- requiring additional approvals before certain actions can be taken;
- obtaining informed consent from affected parties;
- reporting and auditing of facts surrounding the conflict;
- divestiture of certain assets, or the use of blind trusts.

Q: Do I have to share confidential information through this process, and what information that I disclose will be made public?

A: You need to share enough information for the university to approve the request, or to manage the conflict. If you are unsure whether you need to share certain information, you may verbally discuss the issue with your supervisors and/or the ethics office to determine how much needs to be included in the written request. Typically, KSU will not require details of compensation or trade secrets belonging to an outside party. KSU will normally need to know the identity of the person or organization you propose to work with, in order to determine if there are conflicts of interest. The information that you submit becomes a record of the university, which means that it becomes a public record under Georgia law, unless there is a specific exemption. For more information on the Open Records Act, see: <https://law.georgia.gov/open-government>. By 2019, KSU intends to make information regarding approved outside activities available to the public via a database or similar resource on our website.

Q. I have a relative who also works at KSU. Is this a conflict of interest?

A. It can be, depending on the facts. If one of you reports to the other in the supervisory sense, then that structure would violate our policy against Nepotism (see 8.2.3: https://www.usg.edu/policymanual/section8/C224/#p8.2.3_employment_of_relatives). However, even without a direct reporting relationship, there can still be a conflict of interest if one of you can influence the other's work, or if a particular event creates a conflict. For example, if one employee's job duties involve oversight or influence over the assignments, compensation, working conditions or other aspects of their relative's work, then there is a conflict of interest, even if they are in different chains of command. For a more specific example, an employee in fiscal services should not approve payroll changes or expense reimbursements for their spouse who works in a different department at KSU. And, two faculty members who are related and who work in different colleges would not normally have a conflict of interest, but they would if one of them is up for promotion and the other serves on the university-wide promotion and tenure committee.

Q. How quickly will my request be approved?

A. As of October 2018, we are currently working through a large backlog of submissions. Once those are addressed, we expect that a week will be the normal turnaround time. This may vary if you have several layers of management between you and the final approver. Since approval is required in advance, you should always submit your approval as soon as you are able to do so.

Q. Is there an appeal process if my request is denied?

A. No. The current final approvers are the Provost and the President. You may request that they reconsider your request, if you have good cause.

Q. I am active in politics. Do I need approval for that?

A. Only if this, or another, policy applies. Specifically, if the work is both compensated and related to your KSU duties, or if the work is uncompensated and will take place during your normal KSU work time. Your request will never be approved or disapproved based on which political cause or candidate you wish to support. These activities must always be consistent with the USG policies on Political Activities (see 8.2.18.3 here: https://www.usg.edu/policymanual/section8/C224/#p8.2.18_personnel_conduct), and KSU's guidance on government relations (see: <http://gr.kennesaw.edu/index.php>).

Q. Do I need KSU's permission to serve in the U.S. military?

A. No, but see section 8.2.7.5 (Military Leave with Pay) in the Board of Regents Policy Manual (https://www.usg.edu/policymanual/section8/C224/#p8.2.7_leave), and other related policies.

Q. Outside of my KSU working hours, I volunteer in the community and with charitable organizations. Do I need approval for that?

A. Uncompensated outside activities only require approval if they will take place during your normal KSU working hours, or if they will otherwise interfere with your KSU work. Remember that if these activities create a conflict of interest with KSU, then you will always need to disclose that. So, if these activities are unpaid, and are performed outside of your KSU work hours, and do not use KSU resources, and do not create a conflict of interest, then approval is not required.

Q. Am I exempt from this process (i.e., "grandfathered") if KSU was aware of my outside activities when they hired me?

A. No, the policies still require you to obtain approval now, and in the future.

II. FAQs for faculty only.

Q: What are "normal working hours" for faculty?

A: Full-time faculty are expected to devote their full professional efforts to their faculty position. As you know, this can involve work on all days, at all hours. Nonetheless, your supervisor can define your normal working hours, taking into consideration all of your KSU commitments. Remember that your normal working hours will always be subject to change. For example, a faculty member may teach a class that takes place all day on a Saturday and a Sunday. In light of that, a chair or dean may allow some day or time during Monday through Friday to be outside normal working hours. This is similar to the "flex time" used with staff

employees. Such accommodations are not a right, and must not interfere with KSU activities (e.g., your other teaching obligations, required departmental meetings, etc.).

Part-time faculty are also professionals who work at different times, but for the purposes of this policy, they may consider their normal working hours to be the times when they have a specific commitment to a KSU activity (e.g., a class, a meeting, or an event).

It is important to remember that the concept of normal working hours is only relevant for uncompensated activities. If an outside activity is compensated and related to your KSU duties, then it does not matter when the activity takes place – it requires pre-approval under this policy.

Q. Do I need to take leave when I engage in outside activities?

A. Yes, if you earn leave. Faculty on an academic-year contract do not earn leave, but their approval (if granted) to engage in an outside activity is their approval to do so during normal working hours (if applicable). Such approvals should not be given for outside activities which will take more than one day a week of the faculty member's time.

Q: Can I engage in an outside activity that will take two days during a week?

A: Yes, if the activity is otherwise appropriate and approved, and if the time spent on the outside activity does not exceed one day a week on average. It is important to remember that the rule allowing faculty on academic year contracts to engage in outside activities for up to one day a week sets a maximum limit, and does not create an entitlement to work up to that amount.

Q: Do these rules apply when I am off-contract?

A: The conflicts of interest rules always apply. The rules requiring approval for outside activities do not apply during the summer gap between academic year contracts. These rules do apply throughout the effective dates of the academic year contract (i.e., there is no exception for holidays or weekends). Also, if a faculty member has a summer contract, then the rules apply during the effective dates of those contracts.

Q. I teach at another institution. Do I need approval for that?

A. Yes, if you are being paid, or if you will have to miss KSU work. However, if you teach at another USG institution, you should use the USG's standard Dual Appointment Agreement, and that will be sufficient approval (i.e., you do not need to submit that activity through the KSU outside activity system). That standard agreement is available here:

https://www.usg.edu/assets/hr/benefits_docs/USGDualAppointmentAgreement.pdf

If you have other questions, please contact either KSU's Office Legal Affairs (asklegal@kennesaw.edu) or our Office of Ethics and Compliance (conflictofinterest@kennesaw.edu).