



## STANDARD ADMINISTRATIVE PROCEDURE

### 15.99.99.M0.02 Conflict of Commitment

*Approved January 9, 2020*

*Revised February 6, 2020*

*Next scheduled review: February 6, 2025*

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#### SAP Statement

It is the goal of Texas A&M University to provide a transparent system of disclosure of its employees' activities, external to the University, which might otherwise raise concerns about conflicts of commitment. The procedure provides the institutional responsibilities to protect the credibility and reputation of the University and its faculty and staff when those employees are engaged in external activities, ensures compliance with state ethics laws and The Texas A&M University System Policies and Regulations, and addresses conflicts between external professional and non-professional activities and University responsibilities.

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#### Reason for Procedure

The participation of employees in external activities that enhance their professional skills and constitute public service can be beneficial to Texas A&M University as well as the individual employee. Employees are encouraged to participate and provide leadership in professional organizations, panels, committees, and other broadly defined public and professional service opportunities. These interactions can enhance relationships with a wide variety of governmental, business and not-for-profit entities that enhance the University's academic and research missions. Conflict of commitment normally involves issues regarding the individual's time and effort. External activities can lead to conflicts of commitment beyond financial conflicts of interest with regard to an employee's University responsibilities, along with the misuse of University resources. As such, this procedure is intended to outline the requirements for recognizing and managing employee conflicts of commitment, and whenever possible, to prevent even the appearance of conflicts of commitment. Violations of this procedure can lead to disciplinary actions, including dismissal.

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## Definitions

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Conflict of Commitment (COC): exists when a faculty or staff member's external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University's educational, research, or service missions, or with that individual's ability or willingness to perform the full range of duties and responsibilities associated with his or her position. It includes the performance of duties for an external entity substantially similar to or in competition with any portion of the individual's employment responsibilities as described in the individual's position description, letters of appointment, and workload assignments.

Conflict of Interest (COI) Official: The President appoints the Vice President for Research or his or her designee as the Conflict of Interest Official (COI Official) for Texas A&M University as the person responsible for implementing Texas A&M University System Regulation 15.01.03, *Financial Conflicts of Interest in Sponsored Research*, University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research*, and this procedure.

External activity: means involvement with any person, trust, organization, enterprise, government agency, or other entity that is not an entity associated with or under the control of The Texas A&M University System (A&M System). University appointment or assignment of an employee to an external board or committee does not constitute an "external activity" for the employee. External activity for the purpose of this procedure also does not mean to reference family activities or authorized professional development activities.

Unit head: means the applicable department head, director, dean, provost, vice president, or president, who has direct management responsibilities for supervising the employee.

University: means Texas A&M University.

University Resources: are items or tools provided by the University or the A&M System for purposes of satisfying normal business activities, including but not limited to salaries and fringes, facilities, internet access, e-mail addresses, facsimiles, telephone and personal computing services, procurement and credit cards, and all other organizational assets, including cash.

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## Official Procedure/ Responsibilities/ Process

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### 1. GENERAL

The University is committed to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to create, preserve, and disseminate knowledge through teaching, research, and public service. This procedure is in addition to Texas A&M University System Policy 31.05, *External Employment and Expert Witness*, and System Regulations 31.05.01, *Faculty Consulting and External Professional Employment*; 31.05.02, *External Employment*; and 15.01.03, *Financial Conflicts of Interest in Sponsored Research*; and University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research*.

### 2. GENERAL RESPONSIBILITIES

University employees are required to devote their University work activities to official functions of the University. Employees may engage in external activities provided that such activities do not detract from the performance of their University duties and responsibilities; for nonexempt staff this also means that external activities must be performed outside of the employee's work time. With supervisory approval and in accordance with University Rules and Procedures, employees may take paid time off or a leave without pay to engage in external activities. If those external activities include the performance of duties substantially similar to any portion of the individual's employment responsibilities, except as enumerated in Section 3.3, disclosure and approval is required, regardless of whether any requirements related to financial conflicts of interest apply.

### 3. DISCLOSURE AND APPROVAL

#### Approval Requirements

- 3.1. Approval requirements shall apply, at a minimum, to the following employees:
  - 3.1.1. Full-time members of the faculty with a 9-month or greater appointment, including for activities conducted outside their appointment periods;
  - 3.1.2. Full or part-time members of the faculty holding 50 percent or greater appointments;
  - 3.1.3. Part-time members of the faculty holding less than 50 percent appointments only if the activity reasonably appears to create a conflict of commitment;

- 3.1.4. Full-time professional and administrative employees;
  - 3.1.5. Part-time professional and administrative employees only if the activity reasonably appears to create a conflict of commitment; and
  - 3.1.6. Graduate student academic employees including, but not limited to, teaching assistants, instructional assistants and research assistants.
- 3.2. Approval from the COI Official after review through the normal administrative channels is required for the following activities, except as provided in 3.3 below:
- 3.2.1. External employment or other compensated activities, including reimbursement of travel and other expenses, related to the employee's University responsibilities or professional expertise;
  - 3.2.2. Providing services as a voluntary or paid expert witness in the employee's individual capacity in any civil or criminal case;
  - 3.2.3. Providing private lessons in art, music or any field of study;
  - 3.2.4. Providing private counseling for financial aid, career development, and academic considerations;
  - 3.2.5. All service on external boards (except as included in 3.3.6. below); and
  - 3.2.6. Any uncompensated activity that reasonably appears to create a conflict of commitment.
- 3.3. Some activity is so integral to the mission of the University that it is encouraged, so long as the amount of time committed does not interfere with the employee's University duties and responsibilities. The below activities typically do not require disclosure or approval for conflict of commitment prior to engaging in the activity:
- 3.3.1. Serving on a committee, panel or commission of a U.S. federal, state or local government agency, court, or as an appointee thereof, or U.S. non-profit organization operating under a charter therefrom;
  - 3.3.2. Acting in an editorial capacity for a professional journal, unless compensated;
  - 3.3.3. Reviewing journal manuscripts, book manuscripts, grant or contract proposals;

- 3.3.4. Attending and presenting talks at scholarly U.S. colloquia, conferences, and other academic and professional venues;
  - 3.3.5. Developing scholarly communications in books, journal articles, movies, television productions and similar works, even when such activities result in financial gain, consistent with intellectual property and other applicable A&M System and University policies and guidelines; and
  - 3.3.6. Serving as a committee member, board member, or an officer of a professional or scholarly organization.
- 3.4. Employees cannot serve as a Principal Investigator for work for another institution or organization that could be performed at Texas A&M University. Collaborations with other institutions or organizations can be achieved via subawards or subrecipient agreements between Texas A&M University and the organization or institution.
  - 3.5. Employees shall not accept any compensation from an external agency or entity or individual for work performed in the course of their employment at the University, except as permitted in 3.3.
  - 3.6. Employees shall not use any University Resource (facilities, supplies, equipment or other resources) for external activities that results in additional costs to the University, except as provided in System Policy 33.04 and System Regulations 33.04.01 and 33.04.02, or as approved in an agreement with the University.
  - 3.7. Except as approved in advance by the employee's Unit head and the Office of Business Development, employees shall not use the University's name or trademark in such a manner to suggest institutional endorsement or support of an external activity or non-University product or service, nor use University business cards or stationery in such a manner to suggest institutional endorsement or support of an external activity or non-University product or service.
  - 3.8. Employees involved in external relationships or activities described above or any external activities that include the performance of duties substantially similar to any portion of the individual's employment responsibilities, except as enumerated in Section 3.3, must submit a [Conflict of Commitment Form](#) through the normal administrative channels to the COI Official for approval on an annual basis and whenever new external activities described in 3.2 arise. The COI official will maintain a file of all COC approval forms for the fiscal year which will be retained for the fiscal year plus three years.

#### 4. EMPLOYEE RESPONSIBILITIES

- 4.1. Employees shall make clear, when engaging in external activities, that they are acting and speaking in their individual capacity and not as representatives or agents of the University.
- 4.2. Employees shall not disclose any non-public or confidential information concerning the University's operations, employees, or students, except that this provision shall not affect any person's right to report suspected illegal activity under applicable law.
- 4.3. Prior to engaging in the external activities described in 3.2, employees must disclose such activities and receive approval for engaging in such activities. For external activities which span more than one fiscal year, employees must disclose and receive approval for the activities on an annual basis.
- 4.4. Each employee covered by 3.1 above, is required to disclose the following:
  - 4.4.1. A description of the nature and extent of the external activity;
  - 4.4.2. For faculty, a description of the nature and extent of any external (onsite or distance) teaching that is in, or related to, the same discipline as the faculty member's area of University teaching responsibilities;
  - 4.4.3. A description of the nature and extent of any external research activity or supervision;
  - 4.4.4. The range of total annual compensation received for any compensated activity related to the employee's University responsibilities or professional expertise, or total annual compensation from a single entity;
  - 4.4.5. A description of the nature and extent of external board service, regardless of compensation (except as described in 3.3.1 or 3.3.6. above);
  - 4.4.6. A description, including the range of compensation or interest, of any substantial interest in a business entity as defined in University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research* that reasonably appears to create a conflict of interest, which should be provided no later than 30 days after acquiring the interest;
  - 4.4.7. External activity disclosed under University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research* need not be re-disclosed. However, this does not alter the requirement to disclose and obtain approval

prior to engaging in the activities described in 3.2 above. The requirements enumerated in 4.4.1 through 4.4.4 may be met by supplying the COI Official with completed and approved reports of consulting and external professional employment under System Policy 31.05.01, *Faculty Consulting and External Professional Employment*.

- 4.5. Part-time members of the faculty and part-time members of the professional and administrative staff are required to disclose on at least an annual basis and have approval prior to engaging in activities described in 3.2. The disclosure must include the nature and extent (but not compensation range) of any external activity and any substantial interest in a business entity as defined in University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research*, which reasonably appears to create a conflict of commitment.
- 4.6. If there is any question about an external activity representing a conflict of commitment or interfering with the fulfillment of University responsibilities, then the employee should consult with his or her supervisor for directions. If the employee's supervisor is not available within a reasonable period of time, then the employee should contact the associated unit head for directions.

## 5. MANAGEMENT AND APPROVAL PROCESS

For purposes of clarity, unless otherwise specified, the review, routing, management, and approval of COC disclosures and resolution will follow those for financial disclosure statements and resolution required by University Rule 15.01.03.M1, *Financial Conflicts of Interest in Sponsored Research*.

## 6. UNIT HEAD RESPONSIBILITIES

- 6.1. Unit heads and supervisors shall be responsible for collecting, reviewing and approving all faculty and staff requests for external activities that must be disclosed under this procedure for the employees for whom they are responsible.
- 6.2. Unit heads and supervisors shall ensure that all new employees are informed of this procedure, and, in partnership with the COI Official, that all current employees are reminded of this procedure on an annual basis (or whenever the unit head or supervisor become aware of an activity potentially falling under this procedure).
- 6.3. Unit heads and supervisors shall ensure there is appropriate monitoring and oversight to ensure that an employee's University responsibilities are fulfilled and that University resources are used in accordance with System and University Policies, Regulations, Rules and Procedures.

- 6.4. If a supervisor or unit head has any question about an external activity representing a conflict of commitment, then he or she should consult with the next higher level of University management.

## 7. ENFORCEMENT

- 7.1. Violations of this procedure must be brought to the attention of the employee by the COI Official. The employee will be given an opportunity to comply. The employee must present a proposal for compliance to the unit head and to the COI Official for review and action within 10 business days of the notification of noncompliance. Failure to comply will constitute an intentional violation as discussed in the following section.
- 7.2. Repeated or intentional violations of this procedure may be reported to the CEO by the COI Official. Sanctions may be imposed by the CEO or designee and may range from a letter of reprimand to termination.
- 7.3. Employment actions taken for violation of this procedure must comply with System policies and regulations and University rules and procedures.

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### **Related Statutes, Policies, or Requirements**

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System Policy 31.05 *External Employment and Expert Witness*  
<http://policies.tamus.edu/31-05.pdf>

System Policy 31.05.01 *Faculty Consulting and External Professional Employment*  
<http://policies.tamus.edu/31-05-01.pdf>

System Policy 31.05.02 *External Employment*  
<http://policies.tamus.edu/31-05-02.pdf>

System Policy 15.01.03 *Financial Conflicts of Interest in Sponsored Research*  
<http://policies.tamus.edu/15-01-03.pdf>

University Rule 15.01.03.M1 *Financial Conflicts of Interest in Sponsored Research*  
<https://rules-saps.tamu.edu/PDFs/15.01.03.M1.pdf>



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**Forms**

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[Conflict of Commitment Form](#)

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**Contact Office**

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Office of the Vice President for Research