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**Article 19**  
**CONFLICT OF INTEREST/OUTSIDE ACTIVITY**

19.1 Policy.

(a) A faculty member is bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part III, Florida Statutes), the advisory opinions rendered with respect thereto, and University rules.

(b) Nothing in this Article is intended to discourage a faculty member from engaging in outside activity in order to increase the faculty member’s professional reputation, service to the community, or income, subject to the conditions stated herein.

19.2 Definitions.

(a) “Outside Activity” shall mean any private practice, private consulting, additional teaching or research, or other activity, compensated or uncompensated, which is not part of the faculty member’s assigned duties and for which the University has provided no compensation.

(b) “Conflict of Interest” shall mean

(1) any conflict between the private interests of the faculty member and the public interests of the University, or the State of Florida, including conflicts of interest specified under Florida Statutes; or

(2) any activity which interferes with the full performance of the faculty member’s professional or institutional responsibilities or obligations.

(c) “Relatives” are individuals related to each other in the following ways, whether by blood, adoption, marriage (in-laws/step), or other legal action: spouses, parents, grandparents, children, grandchildren, siblings, aunts/uncles, or nieces/nephews.

19.3 Conflicts of Interest Prohibited. Conflicts of interest, including those arising from University or outside activities, are prohibited. Faculty members are responsible for resolving such conflicts of interest, working in conjunction with their supervisors and other University officials.

19.4 Report and Approval of Outside Activity.

(a) A faculty member who plans or proposes to engage in any outside activity which the faculty member should reasonably conclude may create a conflict of interest, or in any outside compensated professional activity, shall report to the faculty member’s supervisor, in writing, the details of such proposed activity prior to engaging therein.

(b) The report, as described in paragraph 19.4(a) shall include where applicable, the name of the employer or other recipient of services; the funding source; the location where such activity shall be performed; the nature and extent of the activity; and any intended use of University facilities, equipment, or services.

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1 (c) A new report shall be submitted for outside activity previously reported at:  
2 (1) the beginning of each academic year for outside activity of a continuing nature; and  
3 (2) such time as there is a significant change in an activity (nature, extent, funding, etc.)

4 (d) A faculty member may assume tacit approval unless written disapproval is issued prior to  
5 the reported starting date. If it is later determined that the activity represents a conflict of interest,  
6 the faculty member must cease the activity, except as provided in 19.5 (b).

7 (e) Any outside activity that falls under the provisions of this Article and in which the faculty  
8 member is currently engaged but has not previously reported, shall be reported within sixty (60)  
9 days of the execution of this Agreement and shall conform to the provisions of this Article.

10 (f) Faculty members shall ~~affirm they have review reviewed University policies related to~~  
11 ~~outside activity and~~ Article 19.4 (a) through (e) at the beginning of each academic year to  
12 determine whether a new report of outside activity is required. If required, the faculty member  
13 shall report the activity in accordance with section 19.4 (a). Not filing a report shall indicate that  
14 the faculty member has no conflict of interest or compensated outside activity.

15 (g) Violations of 19.4 (a) through (f) may result in disciplinary action, as covered in Article  
16 16.

17 19.5 Rights to the Expedited Grievance Procedure.

18 (a) In the event the proposed outside activity is determined to constitute a conflict of interest,  
19 and the faculty member disagrees with that determination the faculty member may file a  
20 grievance under the expedited grievance procedure contained in Article 20. Alternatively, the  
21 faculty member may, within seven (7) days, seek a review in writing by the University Review  
22 Committee on Outside Activities and Conflict of Interest, or a subcommittee of at least three  
23 faculty members thereof, for an advisory opinion, unless the Committee has been consulted  
24 previously on this matter. The Committee shall render its opinion in writing within 7 days of  
25 receipt of the faculty member’s request. If the Committee concludes that the outside activity  
26 could have been approved, it shall consult with the approving authority to seek resolution of the  
27 matter. Should satisfactory resolution not be attained, the Committee may recommend to the  
28 President that the activity be approved. If no resolution is attained within fourteen (14) days from  
29 the date the faculty member receives the written opinion of the Committee, the faculty member  
30 may file a grievance under the expedited grievance procedure contained in Article 20.

31 (b) The faculty member may engage in such outside activity pending a resolution of the  
32 matter pursuant to Section 19.5(a).

33 (c) If the resolution of the matter is that there is a conflict of interest, the faculty member  
34 shall cease such activity immediately and may be required to turn over to the University all or  
35 part of compensation earned therefrom.

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1 19.6 Use of University Resources. A faculty member engaging in any outside activity shall not  
2 use the facilities, equipment, or services of the University in connection with such outside  
3 activity without prior approval of the President or representative. Approval for the use of  
4 University facilities, equipment, or services may be conditioned upon reimbursement for the use  
5 thereof.

6 19.7 No University Affiliation. A faculty member engaging in outside activity shall take  
7 reasonable precautions to ensure that the outside employer or other recipient of services  
8 understands that the faculty member is engaging in such outside activity as a private citizen and  
9 not as an employee, agent, or spokesperson of the University.

10 19.8 Sexual relationships with students. Sexual relationships between faculty members and  
11 students where a direct supervisory or evaluative relationship exists are fraught with the potential  
12 for exploitation. The respect and trust accorded a faculty member by a student, as well as the  
13 power exercised by the faculty member in a direct supervisory or evaluative role, make voluntary  
14 consent by the student suspect. In their relationships with students, faculty members are expected  
15 to be aware of their professional responsibilities and to avoid conflict of interest, favoritism, or  
16 bias.

17 ~~(a) When any direct supervisory or evaluative role exists, a consensual sexual relationship~~  
18 ~~between a student and a faculty member is a conflict of interest.~~

19 (a) When any direct supervisory or evaluative role exists, a consensual sexual relationship  
20 between a student and a faculty member is a conflict of interest.

21 ~~There shall be no sexual relationships between faculty members and undergraduate students.~~

22 ~~(b) Any situation of direct supervision or evaluation will be ended immediately when a~~  
23 ~~consensual sexual relationship between a student and a faculty member exists. Any situation of~~  
24 ~~direct supervision or evaluation will be ended immediately when a consensual sexual~~  
25 ~~relationship between a student and faculty member. There shall be no sexual relationships~~  
26 ~~between faculty members and graduate students where both parties are affiliated in the same~~  
27 ~~discipline, degree program, and/or department, and under any circumstances where the faculty~~  
28 ~~member directly or indirectly exercises academic, evaluative, or supervisory authority over the~~  
29 ~~graduate student.~~

30 ~~(c) Any such relationship must be disclosed to the faculty member's supervisor immediately.~~

31 (c) Any such relationship must be disclosed to the faculty member's supervisor or higher-  
32 level administrator immediately.

33 ~~(d) Direct supervision includes any type of evaluative role. Examples of direct supervision of~~  
34 ~~the student include teaching the student's class, serving as a thesis or dissertation director,~~  
35 ~~instructor of record, member of the student's thesis or dissertation committee, member of the~~  
36 ~~student's comprehensive or doctoral exam committee, and member of other committees where~~  
37 ~~the focus is evaluation or supervision of the student's academic competence or the student's~~  
38 ~~assistantship.~~

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1 (d) Direct supervision includes any type of evaluative role. Examples of direct  
2 supervision of the student include teaching the student's class, serving as a thesis or dissertation  
3 director, instructor of record, member of the student's thesis or dissertation committee, member  
4 of the student's comprehensive or doctoral exam committee, and member of other committees  
5 where the focus is evaluation or supervision of the student's academic competence or the  
6 student's assistantship.

7 (e) Violations of 19.8 (a) through (d) may result in disciplinary action, as covered in  
8 Article 16.

9 19.9 Other relationships with students. Faculty members may not serve in a direct teaching or  
10 supervisory role for students who are relatives, as defined in this Article. In rare cases, and only  
11 when no other viable option exists, an exception may be requested in writing for review and  
12 approval by the Provost, who may add conditions to mitigate the possibility of bias.

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