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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 State of Florida’s Ceode of ~~ethics~~ Ethics for Public Officers and Employees of the State of Florida (Chapter 112, Part III, Florida Statutes), the advisory opinions rendered with respect thereto, and University ~~rules~~policies and regulations.

(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 appointment, or other activity or service, 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 situation in which ~~conflict between~~ the private interests of the faculty member may lead to disregard of the faculty member’s and the public duty or the 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, or other household members that share a legal residence.

(d) “Romantic relationship” is defined as intimate associations primarily characterized by the expectation of affectional involvement to include an exchange of telephone calls, pictures, letters, greeting cards, or any other form of oral or written communication which expresses feelings or thoughts of affection or the desire to engage in a relationship whether emotional or physical.

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.

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1 19.4 Report and Approval of Outside Activity.

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

6 (b) The report, as described in paragraph 19.4(a) shall include where applicable, the name of
7 the employer or other recipient of services; the funding source; the location where such activity
8 shall be performed; the nature and extent of the activity; and any intended use of University
9 facilities, equipment, or services. The faculty member shall utilize the University’s system to
10 make such a report and respond in good faith for requests for clarification or additional
11 information.

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

15 (d) A faculty member may assume tacit approval unless written disapproval is issued prior to
16 the reported starting date. In this case, the faculty member must submit the report at least thirty
17 days prior to engaging in the outside activity. If it is later determined that the activity represents a
18 conflict of interest, the faculty member must cease the activity, except as provided in 19.5 (b).

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

22 (f) Faculty members shall review Article 19.4 (a) through (e) at the beginning of each
23 academic year and either affirmatively report no outside activity, or, if the faculty member
24 proposes to engage in outside activity, to determine whether a new report of outside activity is
25 required. If required, the faculty member shall report the activity in accordance with section 19.4
26 (a). ~~Not filing a report shall indicate that the faculty member has no conflict of interest or~~
27 ~~compensated outside activity.~~

28 19.5 Rights to the Expedited Grievance Procedure.

29 (a) In the event the proposed outside activity is ~~determined to constitute a conflict of~~
30 ~~interest~~denied, and the faculty member disagrees with that determination the faculty member
31 may file a grievance under the expedited grievance procedure contained in Article 20.
32 Alternatively, the faculty member may, within seven (7) days, seek a review in writing by the
33 University Review Committee on Outside Activities and Conflict of Interest, or a subcommittee
34 of at least three faculty members thereof, for an advisory opinion, unless the Committee has been
35 consulted previously on this matter. The Committee shall render its opinion in writing within 7
36 days of receipt of the faculty member’s request. If the Committee concludes that the outside
37 activity could have been approved, it shall consult with the approving authority to seek
38 resolution of the matter. Should satisfactory resolution not be attained, the Committee may

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1 recommend to the President that the activity be approved. If no resolution is attained within
2 fourteen (14) days from the date the faculty member receives the written opinion of the
3 Committee, the faculty member may file a grievance under the expedited grievance procedure
4 contained in Article 20.

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

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

10 19.6 Use of University Resources. A faculty member engaging in any outside activity shall not
11 use the facilities, equipment, or services of the University in connection with such outside
12 activity without prior approval of the President or representative. Approval for the use of
13 University facilities, equipment, or services may be conditioned upon reimbursement for the use
14 thereof.

15 19.7 No University Affiliation. A faculty member engaging in outside activity shall take
16 reasonable precautions to ensure that the outside employer or other recipient of services
17 understands that the faculty member is engaging in such outside activity as a private citizen and
18 not as an employee, agent, or spokesperson of the University.

19 19.8 Sexual relationships with students. ~~There shall be no sexual or romantic relationships~~
20 ~~between faculty members and students. Sexual relationships between faculty members and~~
21 ~~students where a direct supervisory or evaluative relationship exists are fraught with the potential~~
22 ~~for exploitation. There shall be no sexual or romantic relationships between faculty members and~~
23 ~~undergraduate students. Sexual or romantic relationships between faculty members and graduate~~
24 ~~students in the same department/unit is a conflict of interest and is prohibited. Sexual or romantic~~
25 ~~relationships between faculty members and graduate students in different departments/units is~~
26 ~~also a conflict of interest if the faculty member holds direct supervisory or evaluative authority~~
27 ~~over the student. The respect and trust accorded a faculty members by a students, as well as the~~
28 ~~power exercised by the faculty members in a direct supervisory or evaluative role their~~
29 ~~University department/unit role, make such relationships fraught with the potential for abuse and~~
30 ~~render voluntary consent by students suspect. voluntary consent by the student suspect. In their~~
31 ~~relationships with students, faculty members are expected to be aware of their professional~~
32 ~~responsibilities and to avoid conflict of interest, favoritism, or bias.~~

33 (a) 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
35 director, instructor of record, member of the student’s thesis or dissertation committee,
36 member of the student’s comprehensive or doctoral exam committee, and member of
37 other committees where the focus is evaluation or supervision of the student’s academic
38 competence or the student’s assistantship.

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1 ~~(a) This policy shall not apply to sexual relationships established before one or both~~
2 ~~partners' arrival at the University or before this policy went into effect, unless the faculty~~
3 ~~member could potentially hold a direct supervisory or evaluative role over the student.~~
4 ~~Under no circumstances will a faculty member and a student in a pre-existing relationship~~
5 ~~be in a position where the faculty member directly or indirectly exercises evaluative or~~
6 ~~supervisory authority over the student. Nor shall a faculty member who had a previous~~
7 ~~sexual relationship with a student exercise evaluative or supervisory authority over that~~
8 ~~student. Sexual relationships that pre-date one or both parties' affiliation with the~~
9 ~~University and in which the parties are in the same department/ unit shall be promptly~~
10 ~~disclosed by the faculty member to his or her department/unit chair or head.~~

11 (b) In rare cases, and only when no other viable option exists, an exception may be requested
12 in writing for review and approval by the Provost, who may add conditions to mitigate the
13 possibility of bias.

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

15 ~~(d) Direct supervision includes any type of evaluative role. Examples of direct supervision of~~
16 ~~the student include teaching the student's class, serving as a thesis or dissertation director,~~
17 ~~instructor of record, member of the student's thesis or dissertation committee, member of the~~
18 ~~student's comprehensive or doctoral exam committee, and member of other committees where~~
19 ~~the focus is evaluation or supervision of the student's academic competence or the student's~~
20 ~~assistantship.~~

21 19.9 Other relationships with students. Faculty members may not serve in a direct teaching or
22 supervisory role for students who are relatives, as defined in this Article. In rare cases, and only
23 when no other viable option exists, an exception may be requested in writing for review and
24 approval by the Provost, who may add conditions to mitigate the possibility of bias.

25
26 19.10 Training. On a basis not to exceed once per year, faculty members shall complete any
27 mandatory training on the topics covered in this Article and certify to the University that such
28 training has been completed.

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