

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

3 19.1 Policy.

4 (a) A faculty member is bound to observe, in all official acts, the highest standards of ethics
5 consistent with the State of Florida's Ceode of ~~ethics~~ Ethics for Public Officers and Employees
6 of the State of Florida (Chapter 112, Part III, Florida Statutes), the advisory opinions rendered
7 with respect thereto, and University rules/policies and regulations.

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

11 19.2 Definitions.

12 (a) "Outside Activity" shall mean any activity which is compensated, or any uncompensated
13 activity which is related to one's profession or subject matter expertise such as ~~private practice,~~
14 ~~private consulting,~~ an uncompensated additional teaching or research appointment, or service on
15 an advisory board, ~~or other activity, compensated or uncompensated, which is not part of the~~
16 ~~faculty member's assigned duties and for which the University has provided no compensation.~~

17 (b) "Conflict of Interest" shall mean

18 (1) any ~~situation in which conflict between~~ conflict between the private interests of the
19 faculty member ~~may lead to disregard of the faculty member's and the~~ and the public ~~duty or the~~
20 interests of the University, or the State of Florida, including conflicts of interest specified under
21 Florida Statutes; or

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

24 (c) "Relatives" are individuals related to each other in the following ways, whether by blood,
25 adoption, marriage (in-laws/step), or other legal action including but not limited to: spouses,
26 parents, grandparents, children, grandchildren, siblings, aunts/uncles, ~~or~~ or nieces/nephews, ~~or~~
27 other household members that share a legal residence.

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

33 19.3 Conflicts of Interest Prohibited. Conflicts of interest, including those arising from
34 University or outside activities, are prohibited. Faculty members are responsible for resolving
35 such conflicts of interest, working in conjunction with their supervisors and other University
36 officials.

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19.4 Report and Approval of Outside Activity.

(a) A faculty member who ~~plans or~~ proposes to engage in any outside activity as defined in Section 19.2 (a) which the faculty member should reasonably conclude may, that a reasonable professional with knowledge of the academy should reasonably would conclude may create a conflict of interest, conclude may create a conflict of interest, or outside compensated professional activity. shall report to ~~the faculty member's supervisor, in writing,~~ the University 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. ~~The faculty member shall utilize the University's system to make such a report and respond in good faith for requests for clarification or additional information.~~

(c) A new report shall be submitted for outside activity previously reported at:

- (1) the beginning of each academic year for outside activity of a continuing nature; and
- (2) such time as there is a significant change in an activity (nature, extent, funding, etc.)

(d) A faculty member may assume tacit approval unless written disapproval is issued prior to the reported starting date. Absent extenuating circumstances, the faculty member shall submit the report at least 30 days prior to engaging in the outside activity. In this case, the faculty member must submit the report at least thirty days prior to engaging in the outside activity. If it is later determined that the activity represents a conflict of interest, the faculty member must cease the activity, except as provided in 19.5 (b).

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

(f) Faculty members shall review Article 19.4 (a) through (e) at the beginning of each academic year ~~and either affirmatively report no outside activity, or, if the faculty member proposes to engage in outside activity, to determine whether a new report of outside activity is required. If required, to determine whether a new report of outside activity is required. If required, the faculty member shall report the activity in accordance with section 19.4 (a). Not filing a report shall indicate that the faculty member has no conflict of interest or compensated outside activity. Not filing a report.~~ The faculty member shall report any outside activity as defined in Section 19.2 (a) through the University's reporting system, shall indicate that the faculty member has no conflict of interest or compensated outside activity.

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19.5 Rights to the Expedited Grievance Procedure.

(a) In the event the proposed outside activity is ~~determined to constitute a conflict of interest~~ denied due to a conflict of interest, and the faculty member disagrees with that determination, the faculty member may file a grievance under the expedited grievance procedure

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1 contained in Article 20. Alternatively, the faculty member may, within seven (7) days, seek a
 2 review in writing by the University Review Committee on Outside Activities and Conflict of
 3 Interest, or a subcommittee of at least three faculty members thereof, for an advisory opinion,
 4 unless the Committee has been consulted previously on this matter. The Committee shall render
 5 its opinion in writing within 7 days of receipt of the faculty member's request. If the Committee
 6 concludes that the outside activity could have been approved, it shall consult with the approving
 7 authority to seek resolution of the matter. Should satisfactory resolution not be attained, the
 8 Committee may recommend to the President that the activity be approved. If no resolution is
 9 attained within fourteen (14) days from the date the faculty member receives the written opinion
 10 of the Committee, the faculty member may file a grievance under the expedited grievance
 11 procedure contained in Article 20.

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

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

17 19.6 Use of University Resources. A faculty member engaging in any outside activity shall not
 18 use the facilities, equipment, or services of the University in connection with such outside
 19 activity without prior approval of the President or representative. Approval for the use of
 20 University facilities, equipment, or services may be conditioned upon reimbursement for the use
 21 thereof.

22 19.7 No University Affiliation. A faculty member engaging in outside activity shall take
 23 reasonable precautions to ensure that the outside employer or other recipient of services
 24 understands that the faculty member is engaging in such outside activity as a private citizen and
 25 not as an employee, agent, or spokesperson of the University.

26 19.8 ~~Sexual relationships~~ Covered Relationships with students. A covered relationship includes
 27 any relationship between a faculty member and a student which may be reasonably described
 28 sexual, romantic, amorous, and/or dating. ~~There shall be no sexual or romantic relationships~~
 29 ~~between faculty members and students.~~ ~~Sexual relationships between faculty members and~~
 30 ~~students where a direct supervisory or evaluative relationship exists are fraught with the potential~~
 31 ~~for exploitation.~~ Covered relationships between a faculty member and an undergraduate student
 32 are prohibited. ~~There shall be no sexual or romantic relationships between faculty members and~~
 33 ~~undergraduate students.~~ Covered Sexual or romantic relationships between faculty members and
 34 graduate- graduate students in the same department/unit is a conflict of interest are prohibited,
 35 and is prohibited. ~~Sexual Covered or romantic relationships between faculty members and~~
 36 ~~graduate- graduate students in different departments/units is-are also a conflict of~~
 37 ~~interest prohibited if the faculty member holds direct supervisory or evaluative authority over the~~
 38 ~~student.~~ The respect and trust accorded ~~a- faculty members~~ by ~~a- students,~~ as well as the power
 39 exercised by ~~the~~ faculty members in ~~a- direct supervisory or evaluative role~~ their

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1 ~~University department/unit role, make such relationships fraught with the potential for abuse and~~
2 ~~render voluntary consent by students suspect. voluntary consent by the student suspect. In their~~
3 ~~relationships with students, faculty members are expected to be aware of their professional~~
4 ~~responsibilities and to avoid conflict of interest, favoritism, or bias.~~

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

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

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

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

25 ~~(d) Direct supervision includes any type of evaluative role. Examples of direct supervision of~~
26 ~~the student include teaching the student's class, serving as a thesis or dissertation director,~~
27 ~~instructor of record, member of the student's thesis or dissertation committee, member of the~~
28 ~~student's comprehensive or doctoral exam committee, and member of other committees where~~
29 ~~the focus is evaluation or supervision of the student's academic competence or the student's~~
30 ~~assistantship.~~

31 19.9 Other relationships with students. Faculty members may not serve in a direct teaching or
32 supervisory role for students who are relatives, as defined in this Article. In rare cases, and only
33 when no other viable option exists, an exception may be requested in writing for review and
34 approval by the Provost, who may add conditions to mitigate the possibility of bias.

35 ~~19.10 Training. On a basis not to exceed once per year, faculty members shall complete any~~
36 ~~mandatory training on the topics covered in this Article and certify to the University that such~~
37 ~~training has been completed.~~

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