

UFF Counter #4
July 7, 2021

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 Code 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) Inside Activity shall mean any activity a faculty member does as part of their assigned research, clinical, teaching, or service responsibilities, including University activities that form the basis for supervisory assessment of their University job performance.

(b) Institutional Expertise shall mean a faculty member's teaching, research or clinical expertise in their University discipline.

(c) Outside Activity refers to any compensated activity, other than Inside Activity; or any uncompensated activity, other than Inside Activity, related to a faculty member's institutional expertise. OR

(c) Outside Activity refers to any compensated or uncompensated activity other than Inside Activity that is related to a faculty member's institutional expertise.

(a) "Outside Activity" shall mean any activity which is compensated, or any uncompensated activity which is related to one's profession or subject matter expertise such as private practice, private consulting, an uncompensated additional teaching or research appointment, or service on an advisory board, 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.

(db) "Conflict of Interest" shall mean

(1) any ~~situation in which conflict between conflict between~~ the private interests of the faculty member ~~may lead to disregard of the faculty member's and the 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

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Comment [IP1]: We believe the meaning is the same as the BOT-proposed language, directly above, but is a bit more direct.

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1 professional or institutional responsibilities or obligations.

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

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

11 19.3 Conflicts of Interest Prohibited. Conflicts of interest, including those arising from
12 University or outside activities, are prohibited. Faculty members are responsible for resolving
13 such conflicts of interest, working in conjunction with their supervisors and other University
14 officials.

15 19.4 Report and Approval of Outside Activity.

16 (a) ~~Faculty members shall review Article 19.4 (a) through (e) at the beginning of each~~
17 ~~academic year and shall report, using the University's reporting system, if whether or not they~~
18 ~~any. A faculty member who plans or plans proposes to engage in any Ooutside Aactivity as~~
19 ~~defined in Section 19.2 (ad) which the faculty member should reasonably conclude may, that a~~
20 ~~reasonable professional with knowledge of the academy should reasonably would conclude may~~
21 ~~create a conflict of interest conclude may create a conflict of interest, or outside compensated~~
22 ~~professional activity, shall report to the faculty member's supervisor, in writing, the University~~
23 ~~the details of such proposed activity prior to engaging in the activity therein.~~

24 (b) The report, as described in paragraph 19.4(a) shall include where applicable, the name of
25 the employer or other recipient of services; the funding source; the location where such activity
26 shall be performed; the nature and extent of the activity; and any intended use of University
27 facilities, equipment, or services. ~~The faculty member shall utilize the University's system to~~
28 ~~make such a report and respond in good faith for requests for clarification or additional~~
29 ~~information.~~

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

33 (d) A faculty member may assume tacit approval unless written disapproval is issued prior to
34 the reported starting date. ~~Absent extenuating circumstances If practicable, the faculty member~~
35 ~~shall submit the report at least 30 days prior to engaging in the Ooutside Aactivity. In this case,~~
36 ~~the faculty member must submit the report at least thirty days prior to engaging in the outside~~

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1 | ~~activity.~~ If it is later determined that the activity represents a conflict of interest, the faculty
2 | member must cease the activity, except as provided in 19.5 (b).

3 | (e) Any ~~o~~Outside ~~A~~activity that falls under the provisions of this Article and in which the
4 | faculty member is currently engaged but has not previously reported, shall be reported within
5 | sixty (60) days of the execution of this Agreement and shall conform to the provisions of this
6 | Article.

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

14 | 19.5 Rights to the Expedited Grievance Procedure.

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

29 | (b) The faculty member may engage in such ~~O~~outside ~~A~~activity pending a resolution of the
30 | matter pursuant to Section 19.5(a).

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

34 | 19.6 Use of University Resources. A faculty member engaging in any ~~O~~outside ~~A~~activity shall
35 | not use the facilities, equipment, or services of the University in connection with such ~~O~~outside
36 | ~~A~~activity without prior approval of the President or representative. Approval for the use of
37 | University facilities, equipment, or services may be conditioned upon reimbursement for the use
38 | thereof.

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1 19.7 No University Affiliation. A faculty member engaging in Ooutside Activity shall take
2 reasonable precautions to ensure that the outside employer or other recipient of services
3 understands that the faculty member is engaging in such Ooutside Activity as a private citizen
4 and not as an employee, agent, or spokesperson of the University.

5 ~~19.8 — Sexual relationships Covered Relationships with students. A covered relationship includes
6 any relationship between a faculty member and a student which may be reasonably described
7 sexual, romantic, amorous, and/or dating. There shall be no sexual or romantic relationships
8 between faculty members and students. Sexual relationships between faculty members and
9 students where a direct supervisory or evaluative relationship exists are fraught with the potential
10 for exploitation. Covered relationships between a faculty member and an undergraduate student
11 are prohibited. There shall be no sexual or romantic relationships between faculty members and
12 undergraduate students. Covered or romantic graduate graduate are prohibited, and is
13 prohibited Sexual Covered or romantic relationships between faculty members and graduate
14 graduate students in different departments/units is are also a conflict of interest prohibited if the
15 faculty member holds direct supervisory or evaluative authority over the student. The respect and
16 trust accorded a faculty members by a students, as well as the power exercised by the faculty
17 members in a direct supervisory or evaluative role their University role, make such relationships
18 fraught with the potential for abuse and render voluntary consent by students suspect. voluntary
19 consent by the student suspect. In their relationships with students, faculty members are expected
20 to be aware of their professional responsibilities and to avoid conflict of interest, favoritism, or
21 bias.~~

22 19.8. Sexual relationships with students. The respect and trust accorded faculty members by
23 students, as well as the power exercised by faculty members in their department/unit role, render
24 consent suspect.

25 (a) A faculty member who violates the University’s Sexual Discrimination and Sexual
26 Misconduct policy with regard to a student has created a conflict of interest.

27 (b) Sexual relationships with undergraduate students are prohibited.

28 (c) Sexual relationships between faculty members and undergraduate or graduate students in
29 the same department/unit is a conflict of interest. Sexual relationships between faculty
30 members and undergraduate or graduate students in different departments/units is also a
31 conflict of interest if the faculty member holds direct supervisory or evaluative authority over
32 the student or if the faculty member is the advisor to a student club or tutors students in a
33 formal program. Any such relationship must be disclosed to the faculty member’s supervisor
34 immediately.

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

Comment [IP2]: Moved up from line 34.

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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~~
3 ~~faculty member could potentially hold a direct supervisory or evaluative role over the~~
4 ~~student. Under no circumstances will a faculty member and a student in a pre-existing~~
5 ~~relationship be in a position where the faculty member directly or indirectly exercises~~
6 ~~evaluative or supervisory authority over the student. Nor shall a faculty member who~~
7 ~~had a previous sexual relationship with a student exercise evaluative or supervisory~~
8 ~~authority over that student. Sexual relationships that pre-date one or both parties'~~
9 ~~affiliation with the University and in which the parties are in the same department/unit~~
10 ~~shall be promptly disclosed by the faculty member to his or her department/unit chair or~~
11 ~~head.~~

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

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

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

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

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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