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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 ~~ethies~~ 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 specialization in teaching, research, clinical, or creative activity-~~or clinical~~ at the University~~expertise in their University discipline~~.

~~(e) University discipline shall mean the field of expertise for which is the basis of the faculty member’s employment. This generally means as a grouping of courses or research areas that share common or vocational preparation which are typically defined by a degree or degrees.~~

~~(ea) —“Outside Activity” refers to any shall mean any private practice, private consulting, additional teaching or research, or other activity a faculty member does for themselves, an organization, or an individual, other than inside activity that is related to a faculty member’s institutional expertise., compensated or uncompensated, which is not part of the faculty member’s assigned duties and for which the University has provided no compensation.~~

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

~~(d) (d) —“Reportable Outside Activity” shall mean any financial interest or Outside Activity that is required to be disclosed to the University for the purpose of determining a Conflict of interest. A list of ~~examples~~ of reportable and non-reportable activities is found in Appendix K.~~

~~(be) “Conflict of Interest” shall means a situation in which regard for a private interest leads to disregard of a public duty or interest. Nothing herein shall abridge faculty members’ rights to academic freedom and freedom of expression guaranteed in Article 5, any conflict between the private interests of the faculty member and the public interest of the University including any~~

\_\_\_\_\_  
Renisha Gibbs  
Co-Chief Negotiator  
FSU - BOT

\_\_\_\_\_  
Michael Mattimore  
Co-Chief Negotiator  
FSU - BOT

\_\_\_\_\_  
Irene Padavic  
Co-Chief Negotiator  
UFF – FSU Chapter

\_\_\_\_\_  
Scott Hannahs  
Co-Chief Negotiator  
UFF – FSU Chapter

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Date

\_\_\_\_\_  
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~~conflicts of interest specified under Florida statute; or any activity which interferes with the full performance of the faculty member’s professional or institutional responsibilities or obligations;~~

~~(1) any conflict situation in which regard for a private interest between the private interests of the faculty member tends to leads to a disregard of a public duty or and the public interests of the University, or the State of Florida, including and any 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.~~

~~(ef) “Relatives” are individuals related to each other in the following ways, whether by blood, adoption, marriage (in-laws/step), or other legal action including but not limited to: spouses, parents, grandparents, children, grandchildren, siblings, aunts/uncles, or nieces/nephews.~~

~~(g) “Romantic relationship” is defined as intimate associations primarily characterized by the expectation of affectional involvement and/or demonstrates the desire to engage in sexualized relations 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.

19.4 Report and Approval of Outside Activity.

(a) ~~Using the University’s reporting system, at the beginning of each academic year, A faculty members shall acknowledge their review of Article 19.4 (a) through (e) and shall report only if they plan member who plans or proposes to engage in any outside-Reportable Outside activity-Activity as defined in Section 19.2 (d) 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 in the activity. therein. Examples or outside activity that must be disclosed are in Appendix X.~~

(b) The report, as described in paragraph 19.4(a) ~~regarding Reportable Outside Activity 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; and the approximate value received for the outside activity. a description of the item(s) of value intended to be received, if applicable; and the name of the entity or individual providing the item of value of the faculty member, if applicable.~~

(c) A new report shall be submitted for ~~outside-Reportable Outside activity-Activity~~ previously reported at:

(1) the beginning of each academic year for ~~outside-Reportable Outside activity-Activity~~ of a continuing nature; and

(2) such time as there is a significant change in an ~~Reportable Outside activity-Activity~~

Renisha Gibbs  
Co-Chief Negotiator  
FSU - BOT

Michael Mattimore  
Co-Chief Negotiator  
FSU - BOT

Irene Padavic  
Co-Chief Negotiator  
UFF – FSU Chapter

Scott Hannahs  
Co-Chief Negotiator  
UFF – FSU Chapter

Date

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1 (nature, extent, funding, etc.)

2 (d) ~~A faculty member may assume tacit approval unless written disapproval is issued prior to~~  
3 ~~the reported starting date. If practicable, the faculty member shall submit the report at least thirty~~  
4 ~~(30) days prior to engaging in the Reportable Outside Activity. If reported at least thirty (30) days~~  
5 ~~in advance, a faculty member may assume tacit approval unless written disapproval is issued prior~~  
6 ~~to the reported starting date.~~ If it is later determined that the activity represents a conflict of interest,  
7 the faculty member must cease the activity, except as provided in 19.5 (b).

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

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

16 19.5 Rights to the Expedited Grievance Procedure.

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

31 (b) The faculty member may engage in such ~~outside-Reportable Outside activity-Activity~~  
32 pending a resolution of the 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 shall  
34 cease such activity immediately and may be required to turn over to the University all or part of  
35 compensation earned therefrom.

36 19.6 Use of University Resources. A faculty member engaging in any ~~outside-Outside activity~~  
37 ~~Activity~~ shall not use the facilities, equipment, or services of the University in connection with  
38 such outside activity without prior approval of the President or representative. Approval for the

\_\_\_\_\_  
Renisha Gibbs  
Co-Chief Negotiator  
FSU - BOT

\_\_\_\_\_  
Michael Mattimore  
Co-Chief Negotiator  
FSU - BOT

\_\_\_\_\_  
Irene Padavic  
Co-Chief Negotiator  
UFF – FSU Chapter

\_\_\_\_\_  
Scott Hannahs  
Co-Chief Negotiator  
UFF – FSU Chapter

\_\_\_\_\_  
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1 use of University facilities, equipment, or services may be conditioned upon reimbursement for  
2 the use thereof.

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

7 ~~19.8—Sexual or romantic relationships with students. Sexual and romantic relationships between~~  
8 ~~faculty members and students where a direct supervisory or evaluative relationship exists are~~  
9 ~~fraught with the potential for exploitation pose a threat to academic professionalism as they~~  
10 ~~compromise the faculty members’ judgment of students. More importantly, because of the power~~  
11 ~~differential, sexual and romantic relationships between faculty and students are highly susceptible~~  
12 ~~of being experienced as non-consensual or coercive. The respect and trust accorded a faculty~~  
13 ~~member by a student, as well as the power exercised by the faculty member in a direct supervisory~~  
14 ~~or evaluative role, make voluntary consent by the student suspect. In their relationships with~~  
15 ~~students, faculty members are expected to be aware of their professional responsibilities and to~~  
16 ~~avoid conflict of interest, favoritism, or 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. No faculty member may initiate~~  
19 ~~or accept sexual or romantic advances or engage in a sexual or romantic relationship with any~~  
20 ~~student enrolled at the University, regardless of whether the faculty member has a supervisory or~~  
21 ~~evaluative role over the student.~~

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. In rare cases, and~~  
24 ~~only when no other viable option exists, an exception may be requested in writing for review and~~  
25 ~~approval by the Provost or representative, who may add conditions to mitigate the possibility of~~  
26 ~~bias. Under no circumstances will a faculty member and a student engaged in a sexual or romantic~~  
27 ~~relationship if there is a supervisory or evaluative role exists.~~

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

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

35 **[The following language is deferred to a later date]**

36 19.8. Consensual romantic or sexual relationships with FSU students. The respect and trust  
37 accorded faculty members by students, as well as the power exercised by faculty members in their  
38 department/unit role, render consent suspect. Although romantic and sexual relationships between  
39 persons of unequal institutional power do not necessarily constitute sexual misconduct, there is an

Renisha Gibbs  
Co-Chief Negotiator  
FSU - BOT

Michael Mattimore  
Co-Chief Negotiator  
FSU - BOT

Irene Padavic  
Co-Chief Negotiator  
UFF – FSU Chapter

Scott Hannahs  
Co-Chief Negotiator  
UFF – FSU Chapter

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1 inherent conflict of interest between making sexual overtures and exercising supervisory,  
2 educational, or other institutional authority. A subordinate or student in such a relationship may  
3 feel unable to freely decline or end the relationship, which can expose the individual with greater  
4 institutional authority to allegations of sexual misconduct. Furthermore, even when both parties  
5 have consented at the outset to romantic or sexual involvement, this past or apparent consent may  
6 not remove grounds for a later report of sexual misconduct.

7  
8 (a) Consensual romantic or sexual relationships with undergraduate students may bear a  
9 conflict of interest.

10 (b) All consensual sexual relationships with students that create a conflict of interest must be  
11 disclosed to the faculty member’s supervisor immediately.

12 (c) Consensual romantic or sexual relationships between faculty members and  
13 graduate students with a declared major in the same department/unit is a conflict of interest. Sexual  
14 relationships between faculty members and graduate students in different departments/units is also  
15 a conflict of interest if the faculty member holds direct supervisory or evaluative authority over  
16 the student. It is also a conflict of interest ~~or~~ if the student is in a student club that is advised by  
17 the faculty member or is in a formal tutoring program that the faculty member participates in.

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

24 (e) This provision shall not apply to a sexual relationships/pousal relationships that existed  
25 before either partner/spouse arrived at the University or before this provision went into effect,  
26 unless the faculty member holds a direct supervisory or evaluative role. All consensual romantic  
27 or sexual relationships with students that create a conflict of interest must be disclosed to the  
28 faculty member’s supervisor immediately.

29 (f) In rare cases and when no other viable option exists, ———aAn exception may be  
30 requested in writing for review and approval by the Provost or representative, who may add  
31 conditions to mitigate any conflict of interest.

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

\_\_\_\_\_  
Renisha Gibbs  
Co-Chief Negotiator  
FSU - BOT

\_\_\_\_\_  
Michael Mattimore  
Co-Chief Negotiator  
FSU - BOT

\_\_\_\_\_  
Irene Padavic  
Co-Chief Negotiator  
UFF – FSU Chapter

\_\_\_\_\_  
Scott Hannahs  
Co-Chief Negotiator  
UFF – FSU Chapter

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