

*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. Nothing herein shall abridge faculty members' rights to academic freedom and freedom of expression guaranteed in Article 5.

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.

(c) 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 cConflict of interest. A listExamples of examples of regularly reportable and non-reportable activities isare 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 University duty or interest., including any Outside Activity that creates a conflict of commitment by interfering with the full performance of the faculty member's

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~~professional or institutional responsibilities or obligations. 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 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.~~

~~(f) "Conflict of Commitment" shall mean Outside Activities whose time of occurrence or duration would hinder the faculty member from carrying out Inside Activities. Outside Activities undertaken entirely during a time when the faculty member has no Inside Activities shall not constitute Conflicts of Commitment, although they may constitute Conflicts of Interest. Outside Activities that shall not constitute Conflicts of Commitment include Outside Activities undertaken entirely when the faculty member is not on appointment or contract with the university, such as summer Outside Activities undertaken by Faculty on 9-month contracts who have no summer appointment under the provisions of Article 8 or those undertaken when the faculty member is on appointment but conducted during times or frequencies that do not interfere with the faculty member's Inside Activities.~~

~~Any potential conflict of commitment shall be addressed in the annual performance evaluation, according to 10.3.~~


~~(egf) "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.~~

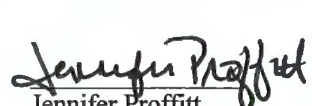
~~19.3 Conflicts of Interest Prohibited.~~ Conflicts of interest, including those arising from University or outside activities, must be resolved or managed to mitigate the conflict of interest. ~~are prohibited.~~ Faculty members are responsible for resolving such conflicts of interest, working in conjunction with their supervisors and other University officials.

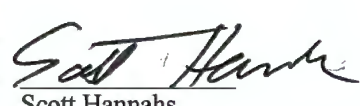
19.4 Report and Approval of Outside Activity.

(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

  
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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/consist of, 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 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

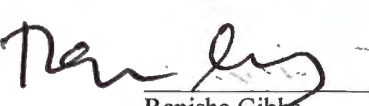
(2) such time as there is a significant change in ~~an Reportable Outside activity Activity~~ (nature, extent, funding, etc.)


(d) ~~A faculty member may assume tacit approval unless written disapproval is issued prior to the reported starting date. If practicable, the faculty member shall submit the report at least thirty (30) days prior to engaging in the Reportable Outside Activity. If reported at least thirty (30) days in advance, a faculty member may assume tacit approval unless written disapproval is issued prior to the reported starting date.~~ 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).

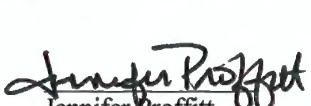
(e) Any ~~outside Reportable Outside activity Activity~~ that falls under the provisions of this Article and in which the faculty member is currently engaged but has not previously reported, shall be reported within sixty (60) days of the execution of this Agreement and shall conform to the provisions of this Article. ~~f) Faculty members shall review Article 19.4 (a) through (e) at the beginning of each academic year 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.~~

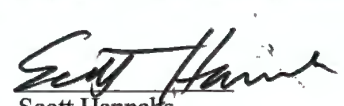
## 19.5 Rights to the Expedited Grievance Procedure.

(a) In the event the proposed ~~outside Reportable Outside activity Activity~~ ~~is is determined to constitute 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 contained in Article 20. Alternatively, the faculty member may, within seven (7) days, seek a review in writing by the University Review Committee on Outside Activities and Conflict of Interest, or a subcommittee of at least three faculty members thereof, for an advisory opinion, unless the Committee has been consulted previously on this matter. The Committee shall render its opinion in writing within 7 days of receipt of the faculty member's request. If the Committee

  
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concludes that the ~~outside-Reportable Outside activity-Activity~~ could have been approved, it shall consult with the approving authority to seek resolution of the matter. Should satisfactory resolution not be attained, the Committee may recommend to the President that the activity be approved. If no resolution is attained within fourteen (14) days from the date the faculty member receives the written opinion of the Committee, the faculty member may file a grievance under the expedited grievance procedure contained in Article 20.

(b) The faculty member may engage in such ~~outside-Reportable Outside activity-Activity~~ pending a resolution of the matter pursuant to Section 19.5(a).

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


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


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

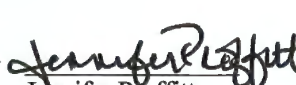
~~19.8 Sexual or romantic relationships with students. Sexual and romantic relationships between faculty members and students where a direct supervisory or evaluative relationship exists are fraught with the potential for exploitationpose a threat to academic professionalism as they compromise the faculty members' judgment of students. More importantly, because of the power differential, sexual and romantic relationships between faculty and students are highly susceptible of being experienced as non-consensual or coercive. The respect and trust accorded a faculty member by a student, as well as the power exercised by the faculty member in a direct supervisory or evaluative role, make voluntary consent by the student suspect. In their relationships with students, faculty members are expected to be aware of their professional responsibilities and to avoid conflict of interest, favoritism, or bias.~~

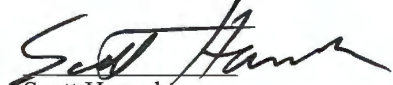
~~(a) When any direct supervisory or evaluative role exists, a consensual sexual relationship between a student and a faculty member is a conflict of interest. No faculty member may initiate or accept sexual or romantic advances or engage in a sexual or romantic relationship with any student enrolled at the University, regardless of whether the faculty member has a supervisory or evaluative role over the student.~~

~~(b) Any situation of direct supervision or evaluation will be ended immediately when a consensual sexual relationship between a student and a faculty member exists. In rare cases, and only when no other viable option exists, an exception may be requested in writing for review and approval by the Provost or representative, who may add conditions to mitigate the possibility of~~

  
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bias. Under no circumstances will a faculty member and a student engaged in a sexual or romantic relationship if there is a supervisory or evaluative role exists.

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

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

19.8. Consensual romantic or sexual relationships with FSU students. The respect and trust accorded faculty members by students, as well as the power exercised by faculty members in their department/unit role, render consent suspect. Although romantic and consensual romantic, amorous, or consensual sexual relationships between persons of unequal institutional power do not necessarily constitute sexual misconduct, there is an inherent conflict of interest between making sexual overtures and exercising supervisory, evaluative educational, or other institutional authority. A subordinate or student in such a relationship may feel unable to freely decline or end the relationship, which can expose the individual with greater institutional authority to allegations of sexual misconduct. Furthermore, even when both parties have consented at the outset to romantic or sexual involvement, this past or apparent consent may not remove grounds for a later report of sexual misconduct.

(a) Consensual romantic or sexual relationships with undergraduate students may be a conflict of interest.

(a) Consensual sexual relationships between faculty members and undergraduate students initiated subsequent to the ratification of this article are a conflict of interest. It is also a conflict of interest for a faculty member to pursue a sexual relationship with an undergraduate student.

(b) Consensual sexual relationships between faculty members and graduate students in the same department/unit is a conflict of interest. Sexual relationships between faculty members and graduate students in different departments/units is also a conflict of interest if the faculty member holds direct supervisory or evaluative authority over the student.

(b) Consensual sexual relationships between faculty members and graduate students initiated subsequent to the ratification of this article are a conflict of interest when both parties are affiliated with the same field, degree program, or department, and any circumstances in which the faculty member directly or indirectly exercises academic, evaluative, or supervisory authority over the student, or may be reasonably expected to do so in the foreseeable future, are a conflict of interest where a direct supervisory or evaluative role exists. Any situation of direct supervision or evaluation will be ended immediately and the relationship immediately disclosed to the faculty member's dean.

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(c) For all University undergraduates, as specified in Section 19.8(a), and for University graduate students in a supervisory, evaluative, or similar relationship as specified in Section 19.8(b) the purposes groups identified in of sections 19.8 (a) and 19.8 (b), it is also a conflict of interest if the faculty member intentionally initiates or accepts sexual advances, makes sexual overtures or requests or, intentionally engages in intentional sexual contact, and other verbal or non-verbal, or physical contact of a sexual nature with an individual student.

(c) It is also a conflict of interest if the graduate or undergraduate student is in a student club that is advised by the faculty member or is in a formal tutoring program that the faculty member participates in.

(a) Consensual Relationship: Broadly defined, it is a romantic, amorous, or sexual relationship that includes any intimate, sexual, other type of romantic or amorous encounter or association, whether casual or serious, short or long term. A single sexual encounter is considered a sexual relationship. Conversely, the relationship does not have to include physical intimacy if a romantic association exists that is beyond the reasonable boundaries of a collegial or professional relationship.

(b) A conflict of interest occurs when romantic, amorous, or sexual connotations interfere with an individual's academic or professional performance, limit the individual's ability to participate in an academic program, or create an intimidating, hostile, or offensive social, academic, or work environment. Thus, consensual relationships that constitute a conflict of interest are prohibited and include the following:

faculty members and an undergraduate student, regardless of academic discipline.

Faculty members and students in the same department/unit.

Faculty members and students if the faculty member holds direct supervisory or evaluative authority over the student.

(4) Faculty members and students if the faculty member is an advisor in a student club or formal tutoring program that the student participates in.

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

(bdc) Direct academic, evaluative, or supervisory authority supervision includes any type of evaluative role. Examples of direct supervision of the student include teaching the student's class, serving as a thesis or dissertation director, instructor of record, member of the student's thesis or dissertation committee, member of the student's comprehensive or doctoral exam

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committee, and member of other committees where the focus is evaluation or supervision of the student's academic competence or the student's assistantship.

(d) ~~Indirect-academic, evaluative, or supervisory authority~~ includes any circumstance where the faculty member holds institutional authority over the student or has academic responsibility over the student. Examples include mentoring, advising, participating in decisions regarding funding or other resources, or providing recommendations for admissions, employment, fellowships, or awards. This includes when a faculty member is serving as an advisor in a formal tutoring program or student club.

(ede) ~~Relationships that pre-date one or both parties' faculty or student affiliation with the University and that otherwise would be prohibited under this article shall be promptly disclosed by the faculty member to their dean or designee spousal relationship spouse, unless the faculty member holds a direct supervisory or evaluative role All consensual romantic or sexual relationships with students that create a conflict of interest must be disclosed to the faculty member's supervisor immediately.~~

(dedf) ~~In rare cases and when no other viable option exists, ———~~ aAn exception to the provisions of Article 19.8 may be requested in writing for review and approval by the Provost or representative, who may add conditions to mitigate any conflict of interest.

(g) ~~Investigations of consensual relationships under this article are not subject to Title IX mandated procedures.~~

(1) ~~Reports of violations of these provisions must be filed within one year of the most recent sexual encounter.~~

(2) ~~A finding that leads to disciplinary action beyond a letter of reprimand must be supported by clear and convincing evidence.~~

(3) ~~When an investigation begins, the faculty member must be notified of the specific allegations.~~

(g) All complaints will be subject to a threshold review to determine whether the matter warrants further investigation. Complaints filed after ~~three~~twothree years of the most recent sexual encounter will not meet the threshold to warrant further investigation.

(h) The faculty member who is the subject of ~~an~~an further investigation beyond the threshold review under this section will be notified of the investigation and the allegations. This notification shall occur in writing as soon as practicable ~~but no later than one week but no later than two (2) weeks~~ after the determination that the threshold has been met.

(i) The faculty member will be permitted up to twoa representatives of her/his choosing within a reasonable time frame at any interview into any report of a violation of this section.

(j) At the conclusion of an investigation the faculty member will be provided with a written notification regarding the findings. The investigatory report will be available as a public record.

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~~(k) A finding that leads to disciplinary action beyond a letter of reprimand must be supported by clear and convincing evidence.~~

~~(kl) Any disciplinary action taken as a result of the investigation may be grieved in accordance with Article 16.~~

~~(g) Reports of violations of these provisions must be filed within six months of the most recent sexual encounter.~~

~~(h) A finding that holds the faculty member responsible must be supported by clear and convincing evidence.~~

~~(g) The following provisions pertain to investigations of consensual sexual relationships between faculty and students:~~


~~\_\_\_\_\_ (1) No anonymous reports will be investigated~~

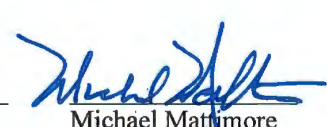
~~\_\_\_\_\_ (2) Before an investigation begins, the faculty member must be notified of the specific allegations~~

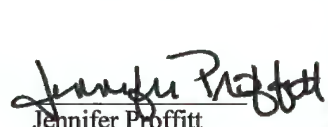
~~\_\_\_\_\_ (3) A finding that holds the faculty member responsible must be supported by clear and convincing evidence~~


~~(4) Reports of non-permitted consensual sexual relationships must be filed within forty-five (45) days of the most recent sexual encounter.~~

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

  
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