

## **ARTICLE 26**

### **CONFLICT OF INTEREST**

#### **WHAT CHANGES ARE PROPOSED**

- Renames Article.
- Focuses attention on conflicts of interest (versus “outside activity” which may or may not involve a conflict of interest).
- Deletes faculty “reporting” requirements for “outside compensated activities” that do not involve a conflict of interest and activities that by definition are already prohibited as conflicts of interest.
- Permits (restricts) faculty use of university resources and university affiliation where an outside activity is (un)related to the faculty member’s assigned duties.

#### **WHY THE CHANGES ARE IMPORTANT**

- Clarifies that "outside activity" should not automatically be equated with "conflict(s) of interest";
- Reduces faculty reporting requirements for compensated or uncompensated outside activities which do not involve conflicts of interest;
- Encourages activity, engagement, and professional development by faculty, which benefits university, students, and faculty.

**ARTICLE 26**  
**CONFLICT OF INTEREST/~~OUTSIDE ACTIVITY~~**

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4 26.1 Policy.

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6 (a) A faculty member is bound to observe, in all official acts, the highest standards of  
7 ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part  
8 III, Florida Statutes), the advisory opinions rendered with respect thereto, Board  
9 rules, and University rules. Other provisions of State law govern obligations and  
10 responsibilities of faculty members who receive State compensation in addition to  
11 their annual salary.

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

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17 26.2 Definitions.

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19 ~~(a) "Outside Activity" shall mean any compensated private practice, private consulting,~~  
20 ~~additional teaching or research, or other activity, compensated or uncompensated,~~  
21 ~~which is not part of the faculty member's assigned duties and for which the~~  
22 ~~University has provided no compensation.~~

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24 (b-a) "Conflict of Interest" shall mean

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26 (1) any conflict between the private interests of the faculty member and the  
27 public interests of the University, the Board of Trustees, or the State of  
28 Florida, including conflicts of interest specified under Florida Statutes; or

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

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33 (b) [Moved from above] "Outside Activity" shall mean any compensated private  
34 practice, private consulting, additional teaching or research, or other activity, which  
35 is not part of the faculty member's assigned duties and for which the University has  
36 provided no compensation.

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39 26.3 Conflicts of Interest Prohibited. Conflicts of interest, including those arising from  
40 University or outside activities, are prohibited. Faculty members are responsible for resolving such  
41 conflicts of interest, working in conjunction with their department chairperson/unit director  
42 supervisors and other University officials.

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44 26.4 ~~Report of Outside Activity.~~

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- ~~(a) — A faculty member who proposes to engage in any outside activity 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 therein.~~
- ~~(b) — The report, as described in paragraph 26.4(a), above, 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.~~
- ~~(c) — A new report shall be submitted for outside activity previously reported at:
  - ~~(1) — the beginning of each fiscal year for outside activity of a continuing nature<sup>1</sup>; and~~
  - ~~(21) — such time as there is a significant change in an activity (nature, extent, funding, etc.).~~~~
- ~~(d) — The reporting provisions of this section shall not apply to activities performed wholly during a period in which the faculty member has no appointment with the University.~~

26.5 Expedited Grievance Procedure.

- (a) In the event ~~the proposed~~ an outside activity is determined to constitute 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 the Grievance Article, Section 31.12.
- (b) The faculty member may engage in such outside activity pending a resolution of the matter pursuant to Section 26.5(a), above.
- (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.~~

26.6 Use of University Resources. A faculty member engaging in any outside activity that is not related to the faculty member's assigned duties shall not use the facilities, equipment, or services of the University in connection with such outside activity without prior approval of the

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<sup>1</sup> ~~Those faculty members not physically present at the start of the fiscal year (July 1) shall promptly complete and file a new form for each outside activity upon returning to campus.~~

86 President or representative. Approval for the use of University facilities, equipment, or services  
87 may be conditioned upon reimbursement for the use thereof.

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89 26.7 No University Affiliation. A faculty member engaging in outside activity that is not related  
90 to the faculty member's assigned duties shall take reasonable precautions to ensure that the outside  
91 employer or other recipient of services understands that the faculty member is engaging in such  
92 outside activity as a private citizen and not as an employee, agent, or spokesperson of the  
93 University.