

ARTICLE 28
Conflict of Interest/Outside Activity

28.1 Policy

- (a) A faculty member is bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part III, Florida Statutes), the advisory opinions rendered with respect thereto, Board of Governors and University regulations, rules, and policies, and the laws of Florida. Provisions of State law govern obligations and responsibilities of faculty members who receive State compensation.
- (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.

28.2 Definitions

- (a) "Outside Activity" is defined in Florida Statute § 1012.977. It "includes anything an employee does for an organization or an individual, other than the university or entity, that is related to the employee's expertise." It includes any private practice, private consulting, additional teaching or research, 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. Appendix K provides illustrative examples of some Outside Activities that must be reported and some that generally do not have to be reported.
- (b) "Financial Interest" is defined in Florida Statute § 1012.977. It "includes anything of value other than that provided directly by the university." Financial Interests must be reported in the following circumstances:
 - (1) There is an actual or contemplated business relationship between the outside entity in which the faculty member has an interest and the University or its direct support organizations; or
 - (2) There is a relationship of such interest with the faculty member's University responsibilities; or
 - (3) Such disclosure is required by University regulation or policy (provided such policies do not conflict with the express terms of this Agreement), or state or federal law
- (c) "Conflict of Interest" shall mean
 - (1) any conflict between the private interests of the faculty member and the public interests of the University, the Board of Trustees, or the State of

UNF – UFF Collective Bargaining Agreement 2022-2025

Florida, including 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

28.3 Conflicts of Interest Prohibited

Conflicts of interest, including those arising from University or outside activities or financial interests, are prohibited. Faculty members are responsible for resolving such conflicts of interest, working in conjunction with their chair/supervisors and other appropriate University officials.

28.4 Reporting Outside Activity, Financial Interests, and Potential Conflicts of Interest

- (a) **Outside Activity and/or Financial Interests.** Pursuant to Florida Statute 1012.977, faculty members engaged in the design, conduct, or reporting of research must disclose and receive a determination that their Outside Activity and/or Financial Interest do not affect the integrity of the University.
- (b) **Other Potential Conflicts.** In addition, 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, must disclose and receive a determination that it does not affect the integrity of the University.
- (c) All reports of Outside Activity, Financial Interests, and potential Conflicts of Interest shall be submitted using a conflict of interest disclosure form prior to engaging therein.
- (d) A new report shall be submitted for any Outside Activity, Financial Interests, and Potential Conflicts of Interests previously reported at:
 - (1) The beginning of each fiscal year for Outside Activity, Financial Interests, and Potential Conflicts of Interest of a continuing nature²³; and
 - (2) Such time as there is a significant change in an activity or interest (nature, extent, funding, etc.).
 - (3) 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.

28.5 Expedited Grievance Procedure

- (a) In the event the proposed Outside Activity, Financial Interest, or potential Conflict

²³ 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

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of Interest 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 33.13.

- (b) The faculty member may engage in such outside activity pending a resolution of the matter pursuant to Section 28.5(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.

28.6 **Review of Conflict of Interest**

A faculty member who needs to report a conflict of interest must complete and submit the Conflict of Interest Disclosure online form, currently found in the University myWings portal under the Employee Resources tile > Employee Forms menu > Banner Online Forms > Human Resources.

28.7 **Use of University Resources**

A faculty member engaging in any outside activity shall not use the facilities, equipment, or services of the University in connection with such outside activity without prior approval through the Conflict of Interest Disclosure online form . Approval for the use of University facilities, equipment, or services may be conditioned upon reimbursement for the use thereof.

28.8 **No University Affiliation**

A faculty member engaging in outside 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 outside activity as a private citizen and not as an employee, agent, or spokesperson of the University acting in their official capacity.