

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 14, 2017

REGULATION TITLE:
Outside Activity Guidelines

REGULATION NO.:
6.015

SUMMARY: These modifications clarify the longstanding prohibition against IFAS faculty members and administrators serving as expert witnesses unless subpoenaed to provide objective science-based information without compensation, other than travel related expense reimbursement.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS: Sandra L. Mitchell, Legal Assistant II, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION AMENDMENT: Jack Payne, Senior Vice President for Institute of Food and Agricultural Sciences

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

6.015 Outside Activity Guidelines.

(1) Permission to accept outside employment or to engage in private business activities is subject to the conditions, limitations, or restrictions outlined in University of Florida Regulation 1.011. The following guidelines have been developed to assist Institute of Food and Agricultural Sciences (IFAS) faculty members and administrators in evaluating the appropriateness of certain outside activities with regard to the particular concerns and goals of IFAS.

(2) Faculty may be involved in outside activities in which they have a financial interest under conditions set forth in University of Florida Regulation 1.011 and this regulation. In general, involvement in such activities should not exceed an average of one (1) day (eight (8) hours) per seven (7)-day week or fifty-two (52) days in a fiscal year. These fifty-two (52) days may be taken as vacation leave, official time, weekends, or holidays. Participation in these activities cannot conflict with University duties, responsibilities, or obligations. Other professional outside activities that do not involve personal financial interests must also be disclosed to ensure that no conflict exists with University duties, responsibilities, or obligations. Any outside activities must be of such character as not to damage in any way the prestige of IFAS or the University of Florida.

(3) When approval for outside employment activity is obtained by the faculty member under this regulation, accrued vacation leave must be used when regular work hours are involved unless the use of official time is specifically approved.

(4) Consulting conditions, limitations, or restrictions which apply when performing outside employment, including services as an expert witness whether or not a fee is to be paid for the services, provided the faculty has been subpoenaed, are as follows:

(a) Consulting within and outside of the United States will be performed only after appropriate administrative approval has been granted.

(b) Limited amounts of consulting work on official time may be permitted; however, decisions will depend upon the nature of the activity and the extent to which the activity is expected to contribute to the professional development of the individual or to the overall interest of the University. Justification for use of official time must be provided and related to the specific professional responsibilities of the faculty member.

(c) Consulting within the State of Florida, though not prohibited, is highly restricted and must not in any way conflict or compete with the normal services of IFAS. Generally, before consulting within the State of Florida will be authorized, the following conditions must be met:

1. The appropriate unit administrator must certify in writing with supporting documentation that the requested services are above and beyond those which can be provided through the normal resources and programs of IFAS.

2. The individual or organization requesting the services must indicate in writing that he or she or its representative fully understands that the services requested are beyond what IFAS could be expected to render and that he or she or its representative is willing to pay for these services.

3. The requested services to be performed within the State of Florida must not be those that could be performed by recognized professional consulting services within the State of Florida.

(5) Expert witness service, like other forms of consulting, is an outside activity. To avoid the appearance of “taking sides,” IFAS policy is that its faculty and administrative and professional Technical, Executive, Administrative and Managerial Support (TEAMS) employees are not to act as expert witnesses in the State of Florida unless subpoenaed to provide objective science-based information without compensation, other than travel related expense reimbursement. Employment as an expert witness on a legal matter outside the State of Florida can be permitted as long as there is no likely adverse impact on IFAS operations and mission and such service is otherwise allowed under University regulations and state law.

(6) An IFAS faculty member is not permitted to engage in any outside activity involving a personal financial interest in which intellectual property rights to inventions and works are not retained by the University of Florida pursuant to University of Florida Regulation 1.018.

(7) Whenever ~~a community~~ another college requests the time of a faculty member, a written request for this time is made to the University of Florida through the individual who is being asked to perform the function. If the subject is related to the IFAS mission, such an activity is generally not approved as an outside activity. However, if the individual faculty member wishes to perform the teaching function requested by the ~~community~~ college; if work load adjustments are possible; and if the request is granted appropriate administrative approval, the teaching load would become a part of the regular responsibility of the faculty member during the period of involvement. The ~~community~~ college must reimburse IFAS for the time devoted to the teaching function. If the subject matter of the class is outside the IFAS mission, the request will be considered as any other outside activity.

Authority: BOG Regulation 1.001.

Law Implemented 112.313, 112.3185 FS.

History--New 9-29-75, Amended 9-15-83, Formerly 6C1-6.15, Amended 5-19-93, 7-15-97, 1-19-03, Formerly 6C1-6.015, Amended 9-19-12 (technical changes only), Amended

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