

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 25, 2020

REGULATION TITLE:

REGULATION NO.:

Disclosure and Regulation of Outside Activities and Financial Interests

1.011

SUMMARY: The University proposes to amend Regulation 1.011 to align the regulation for disclosure of outside activities and financial interests with the simultaneous launch of the UFOLIO Outside Activity disclosure system. University faculty and administrators have been involved in the development of UFOLIO as well as the relevant proposed changes to this regulation to reflect the newly developed disclosure system and process. Together with this revised regulation, the University is developing supporting policies and other documentation to further operationalize this regulation and further centralize and manage University employees' outside activities and financial interests.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT 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: Stephanie M. Fisher, 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: Amy Hass, Vice President and General Counsel.

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

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

1.011 Disclosure and Regulation of Outside Activities and Financial Interests.

(1) The University of Florida encourages its Faculty and Staff to engage in activities supporting their professional growth, creating new knowledge and ideas, and furthering the University’s mission of excellence in education, research, and service. University employees, however, have an obligation to commit their primary professional time and intellectual energy to the University and maintain the highest ethical and professional standards. Further, personal gain from Outside Activities or Financial Interests, as defined in the University of Florida Policy on Conflicts of Commitment and Interest, must not influence—or create the appearance of influencing—the decisions or actions of the University.

(2) Accordingly, all Faculty and Staff shall adhere to the University of Florida Policy on Conflicts of Commitment and Interest (the “Policy on Conflicts”) and the Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Fla. Stat.)¹.

(3) The Policy on Conflicts sets forth the Faculty and Staff members’ obligations to disclose certain Financial Interests, potential Conflicts of Commitment or Interest and the potential consequences for violating the Policy on Conflicts.

(4) The University may take administrative or disciplinary action concerning violations of this Regulation up to and including termination of employment.

¹ The Policy on Conflicts can be found here:

<http://generalcounsel.ufl.edu/media/generalcounselufledu/documents/COI.pdf>

The Code of Ethics for Public Officers and Employees can be found here:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/0112PARTIIIContentsIndex.html

Authority: BOG Regulation 1.001.

Law Implemented: 112.313, 112.3185, FS.

History--New 5-28-80, Formerly 6C1-7.391, Amended 3-6-85, Formerly 6C1-1.11, Amended 3-2-87, 5-21-89, 7-11-94, 4-30-95, 12-12-95, 6-28-98, 6-21-00, 5-22-01, 1-7-03, 7-5-04, Formerly 6C1-1.011, Amended 3-17-11, 6-8-12, _____.

~~REGULATIONS OF THE
UNIVERSITY OF FLORIDA~~

~~1.011—Disclosure and Regulation of Outside Activities and Financial Interests.~~

~~(1)—General Requirements.~~

~~(a)—All employees of the University of Florida must be committed to the University's goals of teaching, research, and service and recognize that their primary professional responsibility is to the University. Faculty and staff members may participate in outside activities and hold financial interests as long as the activities and interests do not violate any state or federal law or regulations, including but not limited to this regulation, and such activities and interests do not conflict with their duties and responsibilities to the University. All University employees, which includes Academic Personnel (AP), Technical, Executive, Administrative, and Managerial Support (TEAMS) employees, University Support Personnel System (USPS) employees, and Other Personnel Services (OPS) employees, are responsible for the full and faithful performance of their professional or institutional responsibilities and obligations.~~

~~(b)—All University employees are 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, Fla. Stat.), the advisory opinions rendered with respect thereto, other federal and state law, and the Regulations of the University of Florida, including but not limited to this Regulation-1.011.~~

~~(c)—No employee shall solicit or accept anything of value that is based upon an understanding that the official action or judgment of the employee would be influenced thereby.~~

~~(d) — No employee shall have an employment or contractual relationship or engage in a business or personal activity that will create a continuing or frequently recurring conflict between that employee’s private interest and the performance of the employee’s official duties.~~

~~(e) — An employee engaging in an outside activity must take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.~~

~~(2) — Definitions:~~

~~(a) — “Outside activity” shall mean any private practice, private consulting, employment, teaching, research, business (including managerial interests or positions), or other activity, compensated or uncompensated, which is not part of the employee’s assigned duties and for which the University provides no compensation.~~

~~(b) — “Conflict of interest,” shall mean:~~

~~1. — any conflict between the private interests of the employee and the public interests of the University of Florida or the State of Florida, including conflicts of interest specified under Florida Statutes; or~~

~~2. — any outside activity or financial interest which interferes with the full and faithful performance of the employee’s professional or institutional responsibilities or obligations, including but not limited to conflicts of commitment.~~

~~(c) — “Entity” or “entities” shall mean any for profit or not for profit entity, any public agency, any individual, or any client.~~

~~(3) — Activities and Financial Interests To Be Reported.~~

~~(a) — The following outside activities and financial interests must be reported prior to~~

~~engaging in the activity or acquiring the financial interest:~~

~~1. Outside activities in which there is more than an incidental use of University facilities, equipment, and/or services.~~

~~2. Outside activities in which a University student or other University employee is directly or indirectly supervised by the employee if the employee in any way supervises, evaluates or serves in a formal advisory role for the student or other employee at the University.~~

~~3. Management, employment, consulting, and other contractual activities with, or ownership interest in, any entity (other than the University) that may enter into a business or other contractual transaction with the University. In the case of material financial and managerial interests, the information required extends to the spouse and/or children of the employee, and for managerial interests, to relatives. These disclosures must include a statement of whether any contractual, service or other business relationship exists or is contemplated with the University to the employee's knowledge.~~

~~a. Material financial interest is defined as direct or indirect ownership of more than five (5) percent of the total assets, capital stock, ownership, or voting interest of an entity.~~

~~b. Managerial interest includes serving as an officer, director, partner, proprietor, etc. of an entity.~~

~~c. If the entity with which the employee has an employment, contractual or other business relationship or in which the employee, the employee's spouse, domestic partner and/or children have an ownership interest wishes to enter into a licensing or research agreement with the University or with the University of Florida Research Foundation, Inc., an exemption allowing such an agreement may be approved by the President or the President's designee and the Chair of the Board of Trustees. Application for this exemption is made through the Office of~~

Research.

~~d. — If the employee has an employment, business or contractual relationship, a material financial interest or a managerial interest, concerning an entity that may enter into any business transaction with the University, the employee must disclose the interest to Purchasing Services, and the interest must be allowed and approved by Purchasing Services, in consultation with the Office of the Vice President and General Counsel, prior to any business transaction between the entity and the University.~~

~~4. — Management, employment, consulting, and other contractual activities with, or ownership interest in, an entity which competes with the University.~~

~~5. — Candidacy for or holding a public office.~~

~~6. — Required use of books, supplies, or other resources at the University of Florida when they are created or published by the employee, or the employee's spouse or domestic partner or minor child(ren), or by an entity in which the employee, or the employee's spouse or domestic partner or minor child(ren) has any financial or managerial interest, if more than \$500 is received or expected to be received annually by any or all of them individually or in the aggregate, directly or indirectly, or through the entity in which they have a financial or managerial interest, from the sale, assignment, license or use of such books, supplies or other resources by the employee, spouse, domestic partner, minor child(ren), and/or the entity in which there is a financial or managerial interest.~~

~~7. — Professional compensated activities, including but not limited to honoraria, consulting, teaching at another institution, and employment as an expert witness.~~

~~8. — Service on the board of directors or board of trustees or as an officer, or other management interests or position, with an entity.~~

~~9. — Any outside compensated employment.~~

~~10. — Any employment, contractual relationship, or financial interests, including intellectual property rights, of the employee which may create a continuing or recurring conflict between the employee's interests and the performance of the employee's University responsibilities and obligations, including time commitments. This includes any outside activity in which the employee is required to waive rights to intellectual property.~~

~~(b) — Any employee submitting a federal, state or other government grant or contract proposal or conducting research or educational activities pursuant to a federal, state or other governmental grant or contract must adhere to the applicable requirements of the funding agency, including those involving the disclosure and regulation of outside activities and financial interests. In addition to the disclosure requirements set forth in section (4) of this regulation, all required disclosures for federal, state or other governmental contracts and grants must be made to the Division of Sponsored Research in accordance with applicable federal, state or other governmental requirements.~~

~~(c) — Outside activities which the employee should conclude may create an actual or apparent conflict of interest, including conflict of time commitments, which are otherwise not required to be reported under paragraphs (3)(a) or 3(b) above must be reported as soon as practicable.~~

~~(d) — The selection and use of instructional materials in which the employee, the employee's spouse or domestic partner or minor child(ren) has a financial interest are subject to the following guidelines:~~

~~1. — Employees who are instructors are responsible for the assignment of instructional materials, such as textbooks and other academic materials, for use by their students. The~~

~~selection of these materials must be made for academic reasons and may not be based on financial gains for the individual employee, the employee's spouse or domestic partner or minor child(ren) or the University.~~

~~2. — An employee, the employee's spouse or domestic partner or minor child(ren), and an entity in which the employee or the employee's spouse or domestic partner or minor child(ren) has a financial interest may not receive a financial benefit from materials reflecting general course information or assignments or evaluation materials used in University of Florida courses or other University instructional activities. Examples of such materials are exams, quizzes, syllabi and extra credit assignments.~~

~~3. — If an employee, the employee's spouse or domestic partner or minor child(ren) may financially benefit from the sale or use of required books, supplies, or other resources, these materials may be required only under the following conditions:~~

~~a. — The department chair and dean or director have approved such an arrangement on the University's Disclosure of Outside Activities and Financial Interests), submitted by the employee, and~~

~~b. — The materials have been selected for academic reasons independent of any financial gain for the persons and entities described, are offered at a fair market price, have been adopted for use at other higher education institutions, been through a peer review process, are the original works or creations of the employee and not a collection of the works of others, are protected by copyright, patent, or trademark, and are published or produced by an incorporated or registered publisher, company, or entity. Their use may not require the user to waive any intellectual property rights.~~

~~(e) — The reporting requirements of this regulation shall apply to full time and part-~~

~~time employees. Unless otherwise required under federal, state or other governmental grant regulations, the reporting requirements shall not apply to activities performed wholly during an interval of the year in which the employee is assigned no professional or institutional responsibilities and obligations by the University.~~

~~(4) — Disclosure and Approval Procedures for all University employees.~~

~~(a) — The University's form entitled, "Disclosure of Outside Activities and Financial Interests" shall be filed with the President or designee, who shall normally be a dean, director, or vice president. The form may be obtained online at <http://www.aa.ufl.edu/online-forms>. Disclosures must be completed and filed at the beginning of employment, renewed at the beginning of each 12-month or 9-month appointment period, prior to such time as the outside activity or financial interest begins, or at such time as disclosure is required under applicable federal, state or other governmental grant requirements. If a material change in the information presented occurs at any time, a new disclosure is required. The following information is required as to each outside activity or financial interest reported:~~

~~1. — Name of employing entity, client or other recipient of services, or name of entity in which the financial interest is held, and nature of its business. In the case of service as an expert witness or representation of a party in a lawsuit, the party represented by or employing the expert must be identified along with all other parties involved in the matter.~~

~~2. — Source of compensation, including client fees.~~

~~3. — Involvement of students and other employees in the activity, employing entity, or entity in which the financial interest is held.~~

~~4. — Nature or type of activity or financial interest (description of equity interest or intellectual property), including time spent if an activity is involved (estimated hours per week~~

including travel).

~~5. Location and anticipated dates of activity.~~

~~6. Any conditions of the activity which involve waiving or impairing the employee's or University's right to intellectual property.~~

~~7. Use of University equipment, facilities, or services in connection with the activity.~~

~~8. Number of outside activities and financial interests filed for the current contractual year.~~

~~9. Prior reporting of the activity or financial interest in the previous contractual year, if applicable.~~

~~10. Any other documentation necessary to determine the nature and extent of any actual or potential conflict of interest.~~

~~(b) If there are any questions regarding a potential conflict of interest, the employee should discuss the activity or financial interest with his or her chairperson or immediate supervisor, or designee of the Dean of the college or Director of the unit.~~

~~(c) If the Dean or Director or designee finds that the proposed outside activity or financial interest is a prohibited conflict of interest or a conflict of interest that may be permitted only with conditions, the employee shall be notified promptly of the decision that he or she may not engage in the proposed activity while employed at the University or of the conditions under which the outside activity or financial interest may be permitted.~~

~~(e) Authorization for an outside activity or financial interests is granted for a specific period of time, not to exceed one (1) year ending June 30th. If the outside activity is to extend beyond June 30th, a new Disclosure of Outside Activities and Financial Interests must be submitted prior to July 1 of each year for the new fiscal year period. If the outside activity or~~

~~employee's obligation to report the activity.~~

~~(6) — Procedure for Requesting Use of University Resources. If an employee has the University's approval to engage in outside activity, the employee may request approval for the use of University equipment, facilities, or services in connection with the outside activity. The University must approve the use in advance. The employee must request such approval by completing and submitting the University's form entitled Request to Use University Equipment, Facilities, and Services in Conjunction with Non-University Outside Activity, which may be obtained online at [The form should be attached to the Disclosure of Outside Activities and Financial Interests](#). The use of any of these resources will be allowed only on a non-interference basis, and there may be a charge for such use.~~

~~The changes to this regulation shall be effective August 24, 2012.~~

~~Authority: BOG Regulation 1.001.~~

~~Law Implemented: 112.313, 112.3185, FS.~~

~~History—New 5-28-80, Formerly 6C1-7.391, Amended 3-6-85, Formerly 6C1-1.11, Amended 3-2-87, 5-21-89, 7-11-94, 4-30-95, 12-12-95, 6-28-98, 6-21-00, 5-22-01, 1-7-03, 7-5-04, Formerly 6C1-1.011, Amended 3-17-11, 6-8-12.~~