

1 **ARTICLE 19**
2 *CONFLICT OF INTEREST OR COMMITMENT/OUTSIDE ACTIVITY*¹

3 **19.1 Policy.**

4 (a) The University and UFF recognize that outside employment, consulting, and
5 similar activities may further the dissemination and use of employee knowledge
6 and expertise and also advance the professional competence and reputation of
7 employees. Employees may participate in outside activities and hold financial
8 interests in accordance with the provisions of this Article.

9 (b) An employee is bound to observe, in all official acts, the highest standards
10 of ethics consistent with the Code of Ethics of the State of Florida (Chapter 112,
11 Part III, Florida Statutes), the advisory opinions rendered with respect thereto,
12 Board of Governors rules, and University policies and regulations.

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

17 **19.2 Definitions.**

18 (a) "Outside Activity" shall mean any private practice, private consulting,
19 additional teaching or research, or other personal commitment, e.g., service on a
20 Board of Directors, participation in a civic or charitable organization, political
21 activity, etc., whether compensated or uncompensated, that is not part of the
22 employee's assigned duties and for which the University provides no
23 compensation.

24 (b) "Conflict of Interest" shall mean:

¹ Section 1001.741(2) Florida Statutes, which became effective on July 1, 2023, prohibits arbitration in certain instances. To the extent the University determines that arbitration is prohibited by law from being the terminal step of a grievance submitted pursuant to any provision of this Agreement, the terminal step and final agency disposition for said grievance shall be the prior step described in that article. For example, for a grievance made pursuant to Article 19 for which arbitration is prohibited by law, the terminal step and final agency disposition shall be Step 2. If Section 1001.741(2), Florida Statutes, is amended or overturned so that the statute of the law in Florida prohibiting allows arbitrations changes, the Parties to this Agreement shall open negotiations return to arbitration for all articles in this Agreement which allow for arbitration.

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25 (1) any conflict between the private interests of the employee and the
26 public interests of the University, the Board of Governors, or the State of Florida,
27 including conflicts of interest specified under Florida Statutes; or

28 (2) any activity that interferes with the full performance of the employee's
29 professional or institutional responsibilities or obligations.

30 (c) "Conflict of Commitment" shall mean:

31 (1) outside activities that involve frequent or prolonged absences from the
32 University on non-University business; or

33 (2) outside activities that engage a substantial portion of the time an
34 employee is expected to spend on assigned duties or University-related activities.

35 **19.3 Conflicts of Interest/Commitment Prohibited.** Unmitigated conflicts of
36 interest and commitment, including those arising from University or outside
37 activities, are prohibited. Employees are responsible for reporting and resolving
38 such conflicts of interest or commitment, working in conjunction with their
39 supervisors and other University officials.

40 **19.4 Report of Outside Activity/Financial Interest.**

41 (a) An employee who proposes to engage in outside activity, including but not
42 limited to one that could reasonably be concluded to create a conflict of interest
43 or commitment, or proposes to hold a financial interest that may create a conflict
44 of interest, shall report the details of such proposed activity or financial interest
45 on the Potential Outside Activity, Employment, and Conflict of Interest and
46 Commitment Disclosure form before engaging therein. Employment at other
47 institutions of higher learning can create a conflict of interest or commitment.

48 (b) The report as described in paragraph 19.4(a) above shall include, as
49 applicable, the following information:

50 (1) name of the employing or contracting entity, or name of the entity in
51 which the financial interest is held, and nature of its business;

52 (2) involvement of students and other employees in the activity, employing
53 entity, or entity in which the financial interest is held, if that involvement is
54 known to the employee making the disclosure;

55 (3) nature of the activity or financial interest (e.g., description of equity
56 interest or intellectual property), including time spent if an activity is involved
57 (e.g., instructional hours, estimated hours per week of travel time);

58 (4) source and type of compensation, and in the case of legal
59 representation or service as an expert witness, all parties to the matter must be
60 identified; and

61 (5) any conditions of the activity that involve waiving or impairing the
62 employee’s or the University’s right to intellectual property.

63 (c) A new report shall be submitted annually at the beginning of each
64 academic year and updated throughout the academic year prior to engaging in a
65 new outside activity, or when an outside activity begins, substantially changes
66 (e.g., expansion of outside activity, new source of funding) or has not been
67 previously reported.

Commented [CR1]: Greater consistency with Reg 3.018.

68 (d) Outside activities and financial interests occurring ~~The reporting provisions~~
69 ~~of this Section shall not apply to activities performed wholly~~ during a period in
70 which the employee has no appointment with the University shall not constitute a
71 Conflict of Commitment although may still constitute a Conflict of Interest and -
72 ~~However, the employee should still be aware of the conflict of interest~~
73 ~~considerations that may arise from such activities. therefore shall be reported on~~
74 the Potential Outside Activity, Employment, and Conflict of Interest and
75 Commitment Disclosure form before engaging therein.

76
77 **19.5 Expedited Grievance Procedure.**

78 (a) A grievance alleging a violation of Article 19 shall be filed on the Appendix
79 “C” form and heard at Step 1 by the University’s representative no more than
80 seven days after it has been filed. The University’s representative shall issue a
81 Step 1 decision no more than seven days after the Step 1 meeting.

82 (b) A request for review of the Step 1 decision shall be filed using Appendix "D"
83 no more than seven days following receipt of the Step 1 decision. The Step 2
84 meeting shall be held no more than 7 days after receipt of Appendix "D" and the
85 written Step 2 decision shall be issued no more than 7 days after the meeting.

86 (c) *A request for arbitration using Appendix "E" shall be filed within fourteen*
87 *days after receipt of the Step 2 decision. An arbitrator shall be selected by the*
88 *parties no more than fourteen days following the receipt of Appendix "E". The*
89 *arbitrator shall issue a memorandum of decision within 7 days following the*

90 *conclusion of the arbitration, to be followed by a written opinion and award in*
91 *accordance with Section 20.8(f)(5).*

92 (d) *The employee may engage in such outside activity pending a resolution of*
93 *the matter pursuant to Section 19.5(a) but does so at the risk of violating statutes*
94 *or regulations.*

95 (e) If the resolution of the matter is that there is a conflict of interest or
96 commitment, the employee shall cease such activity immediately and may be
97 required to turn over to the University all or part of compensation earned
98 therefrom.

99 (f) Section 1001.741(2) Florida Statutes, which became effective on July 1,
100 2023, prohibits arbitration in certain instances. To the extent the University
101 determines that arbitration is prohibited by law from being the terminal step of a
102 grievance submitted pursuant to any provision of this Agreement, the terminal
103 step and final agency disposition for said grievance shall be the prior step
104 described in that article. For example, for a grievance made pursuant to Article 19
105 for which arbitration is prohibited by law, the terminal step and final agency
106 disposition shall be Step 2. If Section 1001.741(2), Florida Statutes, is amended or
107 overturned so that the statute of the law in Florida prohibiting arbitrations
108 changes, the Parties to this Agreement shall ~~open negotiations~~ return to
109 arbitration for all articles in this Agreement which allow for arbitration.

110 **19.6 Use of University Resources.** An employee engaging in any outside activity
111 shall not use the facilities, equipment, or services of the University in connection
112 with such outside activity without prior approval of the president or president's
113 representative. Approval for the use of University facilities, equipment, or
114 services may be conditioned upon reimbursement for the use thereof.

115 **19.7 No University Affiliation.** An employee engaging in outside activity shall take
116 reasonable precautions to ensure that the outside employer or other recipient of
117 services understands that the employee is engaging in such outside activity as a
118 private citizen and not as an employee, agent, or spokesperson of the University.