



UNIVERSITY POLICY HR-23.02-04/22

TO: The University of West Florida Community

FROM: Dr. Martha D. Saunders, President

SUBJECT: Outside Activities and Conflicts of Interest

RESPONSIBLE OFFICE: Human Resources

I. Purpose:

The University of West Florida encourages its employees to engage in activities supporting their professional growth, creating new knowledge and ideas, and furthering the University's mission of excellence in teaching, research, and service. University employees' primary professional obligation, however, is to act in the best interest of the University and to maintain the highest ethical and professional standards. A University employee's Outside Activities or interests must not conflict, or appear to conflict, with their professional obligations to the University of West Florida. Accordingly, this Policy establishes standards and requirements to protect the University's financial well-being, reputation, and legal obligations and provides a system for identifying, reporting, and managing real or apparent conflicts. Disclosing Outside Activities fosters UWF's support of these efforts.

The policies and requirements of Chapter 112, Part III, Florida Statutes, "Code of Ethics for Public Officers and employees," shall apply to all UWF employees whether or not they are members of a bargaining unit.

Conflicting Employment or Contractual Relationship. University employees may not work for or contract with a business entity or agency regulated by or doing business with the University. employees also may not work for or have a contractual arrangement which will impede the full and faithful discharge of his or her public duties. employees may not create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties.

UWF Policy BOT-06.02-08/14 applies only to members of the Board of Trustees; this policy is inapplicable to Trustees.

II. Definitions:

- A. Outside Activity - An outside activity includes any activity, compensated or uncompensated, that is not part of the employee's assigned duties for the University and

for which the University has provided the employee no compensation. employees must disclose outside activities on the appropriate outside activity-conflict of interest form. The following outside activities are required to be reported:

1. Activities identified by this policy, the Florida SUS Board of Governors, and/or Florida Statutes as requiring reporting and approval.
2. Activities related to an employee's professional expertise (excluding exempted activities defined in III.B.).
3. Employment outside of UWF.
4. Private consulting, advising, and speaking.
5. Teaching and/or research appointments for an entity other than UWF.
6. Seeking an elected public office.
7. Serving as an expert witness or legal consultant.
8. Practicing as a licensed professional.
9. Service on a Board of Directors.
10. Professional activities provided in a foreign country, or directing the activities of others in a foreign country.
11. Activities involving more than incidental use of UWF facilities, equipment, or services.
12. Activities requiring the waiver or assignment of the employee's or UWF's rights or interests to any inventions or works that may be developed during the course of or from the activity.
13. Required purchase of books, supplies, equipment, or instructional resources at UWF when they are created or published by the employee or by an entity in which the employee has financial interest.
14. Paid scholarly collaborations at another domestic academic or research institution including but not limited to service on thesis or dissertation committees, comprehensive exam committees, and research or data collection/analysis groups.
15. Paid editorial services for educational or professional organizations.
16. Exempted paid activities identified in III.B. if the payment for the exempted activity exceeds fair market value.

B. Activities that **do not** need to be reported as an outside activity include:

1. Unpaid or paid (not in excess of fair market value) peer review of articles, books, grant proposals, or research proposals.
2. Unpaid scholarly collaborations at another domestic academic or research institution, including, but not limited to, service on thesis or dissertation committees, service on comprehensive exam committees, and research or data collection/analysis groups.
3. Receiving an honorary degree from another domestic institution.
4. Unpaid editorial services for educational or professional organizations.
5. Conducting unpaid or paid (not in excess of fair market value) workshops for professional societies.
6. Unpaid or paid (not in excess of fair market value) musical or other creative performances and exhibitions that are consistent with the faculty member's discipline.
7. Unpaid or paid (not in excess of fair market value) services as an external evaluator, including but not limited to service on a program review team, as a competition judge, or as a fine arts jury member.

C. Conflict of Interest - A conflict of interest generally means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest, including, but not limited to the following:

1. Engaging in an outside activity that includes either an employee or a business entity in which an employee or his or her relative has a material interest doing business with the University.
2. An employee holding an employment or contractual relationship with any business entity that:
 - a. is subject to the regulation of or is doing business with the University;
 - b. that will create a continuing or frequently recurring conflict between the employee's private interests and the performance of the employee's duties for the University; or
 - c. that would impede the full and faithful discharge of the employee's professional duties, institutional responsibilities or any other obligations the employee may have to the University.
3. Receiving an honorarium in excess of fair market value for the time spent in preparation for the event.

D. Financial Conflict of Interest - A Financial Conflict of Interest (FCOI) is a Significant Financial Interest (SFI) that could directly and significantly affect the design, conduct, or reporting of federally funded research.

- E. Investigator - An investigator is the project director or principal investigator, co-investigator, key personnel, and any other person, regardless of title, position, or employment status, who is responsible for the design, conduct, or reporting of sponsored research. The term includes key personnel, collaborators, or consultants who are responsible for the design, conduct, or reporting of sponsored research.
- F. Significant Financial Interest - A Significant Financial Interest is anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). A full definition and list of exclusions is provided in 42 CFR §50.603.

III. Policy:

A. Who Does this Govern and Who Needs to Know this Policy?

This Policy applies to all University employees, except to the extent that it conflicts with an express term of an applicable collective bargaining agreement. If a term of this Policy conflicts with an express term of an applicable collective bargaining agreement, the term of the collective bargaining agreement will control.

Students and Adjuncts need to complete the outside activity-conflict of interest form only if they are funded to participate in the design, conduct, and reporting of research or other types of sponsored projects.

Members of the Board of Trustees are governed by UWF Policy BOT-06.02-08/14.

B. Use of University Facilities, Equipment or Services

1. Any employee who wishes to request the use of University facilities, equipment, or personnel in conjunction with an outside activity or employment must submit a written request for such use using the appropriate form. Failure to submit such a request constitutes specific lack of permission to use any University resources in conjunction with an outside activity or employment. Each request will be evaluated on its own merits. The University is under no obligation to grant any such request.
2. An employee engaging in an outside activity shall not use the facilities, equipment, or services of the University in connection with the outside activity without prior approval of the appropriate supervisory authority. Approval of the use of University facilities, equipment, or services shall be conditioned upon reimbursement of the costs related to such use. A form for requesting approval for use of University resources must be completed and approved.
3. Charges for the use of University facilities by employees for their outside activities shall be at the same rate as ordinarily charged to the general public.

C. Use of Textbooks

Any employee who wishes to require a class that the employee instructs to use a textbook or other educational material that the employee wrote or prepared, must complete the Textbook Authorization form. This form must be completed and approved up through the Provost prior to requiring the use of the textbook or other educational materials.

D. Reporting Conflicts of Interest

1. Employees are responsible for disclosing conflicts of interest or potential conflicts of interest to their supervisors and working to manage, mitigate, or eliminate the conflicts in conjunction with their supervisors and other University officials. Conflicts of Interest or potential conflicts of interest shall be disclosed by filing the Outside Activity and Conflict of Interest Form described below.
2. Nothing contained in this Policy shall excuse any employee who engages in outside employment or other activities that constitute a conflict of interest or commitment. A determination by the University not to object to an outside activity or employment does not preclude a finding by the Florida Commission on Ethics that the activity or employment is not in accordance with all applicable laws and regulations respecting conflicts of interest. The employee's obligation to avoid conflicts of interest is a continuing one.
3. Engaging in an outside activity that poses a potential conflict of interest does not necessarily imply the employee is engaging in wrong-doing or inappropriate behavior. However, in a University setting, such activities can compromise, or be perceived as compromising, the University's values and mission. This Policy mandates that conflicts of interest and potential conflicts of interest be disclosed and then managed, mitigated, or eliminated.

E. Outside Activity and Conflict of Interest Form

1. An Outside Activity and Conflict of Interest Form (the "Form") must be submitted by all employees (Faculty, Work Force, and OPS)¹ as follows:
 - a. Each year by August 15. The employee will designate on the Form if there is an activity or conflict of interest to report or that there is no outside activity or conflict of interest to report. Previously approved outside activities must be resubmitted on an annual basis even if there is no substantial change to the activity (i.e., serving on a board, private consulting, etc.). In such circumstances, the employee may continue participating in the previously approved outside activity as the outside activity approval renewal is reviewed;

¹ Students and Adjuncts only need to complete the outside activity-conflict of interest form if they are funded to participate in the design, conduct, and reporting of research or other types of sponsored projects.

- b. Each time there is a significant change in a previously approved outside activity/conflict of interest;
 - c. Each time an employee plans to engage in a compensated outside activity consistent with III A and excluding compensated activities as defined in III.B.; and
 - d. Where the uncompensated activity, consistent with III.B.:
 - i. Creates or reasonably appears to create a conflict of interest;
 - ii. Interferes or reasonably appears to interfere with the full performance of the employee's professional responsibilities or other University obligations; or
 - iii. Interferes with the employee's primary commitment of time, attention and energies to the University.
2. The Form and all related documentation must be submitted and approved prior to engaging in the activity. The approval process takes approximately 30 days, so employees are encouraged to plan accordingly. If the employee has not received a determination on the status of a submitted Form following the thirty (30) days from the Form's submission, the employee may submit a formal query as to the Form's status. A response will be given to the employee who submitted the formal query within five (5) business days. The University also recognizes that some outside activity opportunities may arise that need approval on a timeline less than thirty (30) days. In such circumstance, the employee will document this need for an expedited review of the activity when submitting the Form, and the University, where practicable, will endeavor to provide a review of the Form in a timely manner.
3. Submitted Forms will be reviewed at appropriate levels of supervision. If a conflict of interest is identified, the employee will be notified to resolve the conflict. If the employee has additional information that would assist the University in reviewing such conflict, the employee bears the burden of making that information available to the University. The resolution to conflict of interest may require the employee to cease the outside activity or employment or to divest oneself of the interests that are creating the conflict.
- a. If the Form is pending approval, the employee should not pursue the outside activity.
 - b. Factors relevant for consideration into requirements for management approval or disapproval of activity include:
 - i. Use of UWF students or employees in activity;
 - ii. Use of UWF facilities or infrastructure;

- iii. Requirements to assign or waive intellectual property;
 - iv. Employment at another University, research institution, or company;
 - v. Engages entity that does business with UWF;
 - vi. Activity violates state ethics rules or state and federal laws/regulations;
 - vii. Negatively impacts responsibilities to UWF; and
 - viii. Any other relevant factor.
4. Employees on any type of leave (which includes professional development leave, annual leave, sick leave, FMLA leave, etc.) are required to submit a Form under the conditions described above, notwithstanding their leave status.

F. University Representation. An employee engaging in an outside activity (regardless of whether the activity requires the submission of the Form) shall 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, representative, or spokesperson of the University or on behalf of the University. If the Form is pending approval, the employee should not pursue the outside activity.

G. Failure to Report/Insufficient, Inaccurate Reporting

1. An employee's failure to fully and properly report outside activities and other interests as required by the Policy or failure to follow any conditions imposed pursuant to the University's approval of such activities, may be grounds for disciplinary action, up to and including dismissal.
2. Where approval for an outside activity is based upon a report containing incomplete or inaccurate information provided by the employee, the approval is null and void.
3. In accordance with Florida Statutes Section 1012.977, any employee engaged in the design, conduct, or reporting of research who failed to disclose an outside activity related to their UWF area of expertise or any financial interest shall be suspended without pay pending the outcome of an investigation which shall not exceed 60 days. Upon conclusion of the investigation, the University may terminate the contract of the employee. Failure by an employee to comply with this policy or a conflict of interest monitoring or management plan may result in disciplinary action up to and including termination for just cause.

H. Initial requirements for Federally Funded Research

Federal regulations require that, when federal funds are allocated through a grant or contract, the University must examine conflicts and, where appropriate, report them to the federal agency. Federal regulations require that the University manage, reduce, or eliminate any actual or potential conflicts of interest that may be presented by certain compensated outside activities and other financial interests of persons involved in sponsored research projects funded by the federal government. The primary purpose of the federal regulations is to prevent bias in the design, conduct, or reporting of research projects.

1. Requirements by Federal Sponsors. All Investigators and others working on projects funded by a federal agency must abide by these requirements. Any employee submitting a grant or contract proposal to the Public Health Service or the National Science Foundation, through the University, or participating in the Small Business Innovation Program or Small Business Technology Transfer Program conducting research or educational activities pursuant to such a federal grant or contract at the University as an "investigator" and must report any "Significant Financial Interest" (SFI) that would reasonably appear to be affected by the proposed/funded research activities, including interests maintained in entities that would be so affected. An "investigator" is defined as the principal investigator ("PI"), co-PI(s), multiple PIs, or any other employee responsible for the design, conduct, or reporting of the proposed or funded research or educational activities. For the purpose of determining a Significant Financial Interest, an "investigator" also includes such an employee's spouse/partner, and dependent children.
2. Disclosing Financial Conflicts of Interest. Faculty and staff who pursue or are engaged in research funded by NSF and PHS must have filed both up-to-date FCOI training and a completed disclosure of the financial conflict of interest form provided by the department for Research and Academic Engagement.
 - a. FCOI Training. Prior to engaging in research related to any NSF- or PHS-funded grant or contract, each investigator must complete the NIH FCOI training module and submit to the Office of Research Administration and Engagement the certification of successful completion of that training. Training must be repeated immediately upon (1) institutional FCOI change in a manner that affects investigator requirements, (2) an investigator is new to the institution, or (3) an institution finds an investigator noncompliant with the institution's FCOI policy or management plan. This training is valid for no longer than four years.
 - b. Disclosure of Significant Financial Conflict of Interest. It is the principal investigator's responsibility to ensure that Disclosure of Significant Financial Conflict of Interest forms from all investigators and senior personnel are submitted

to the Office of Research Administration and Engagement in order to meet proposal application deadlines.

If a new FCOI develops following the proposal submission or during the performance of an NSF/PHS-funded project, that FCOI must be immediately disclosed to UWF Office of Research Administration and Engagement. Furthermore, federal regulations also require annual disclosures during the course of the funded research. Detailed PHS and NSF requirements can be found at their websites. Small Business Innovation Program ("SBIR") and the Small Business Technology Transfer Program ("STTR") are covered under the Small Business Act (15 USC 638) and the Federal Acquisition Regulations ("FAR"). The OMB Guidelines for Administration of Grants and Agreements with Institutions of Higher Education are found in OMB Circular A-110.

3. University Reporting requirements. The University of West Florida must make information available concerning identified Financial Conflicts of Interest ("FCOIs") held by senior/key personnel upon written request and update such information as necessary. This information will include at a minimum the Investigator's name; the Investigator's title and role with respect to the research project; the name of any entity in which a Significant Financial Interest ("SFI") is held; the nature of the SFI; and the approximate dollar value of the SFI, or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value.
4. Special requirements of University Compliance Committee Members. Individuals who serve on the Institutional Review Board for Protection of Human Research Participants (IRB) and the Institutional Animal Care and Use Committee (IACUC) or other decision-making bodies must exercise particular care and diligence in reporting and managing any potential conflicts to ensure that matters which may affect decisions in these areas are protected from external influence. If a conflict or a potential conflict is determined to exist, a procedure to mitigate or manage the conflict satisfactorily may be required.

It must be emphasized that UWF policies may require the reporting as Outside Activities any compensation or other FCOI, even if those activities are not considered to be SFIs for the purposes of the federal regulations.

I. Appeals Process

1. All employees governed by a collective bargaining agreement (AFSCME, PBA, and UFF) will need to follow the grievance procedure as outlined in their respective collective bargaining agreements.
2. All employees not governed by a collective bargaining agreement will need to adhere to the University of West Florida Regulation 2.029, *Grievance Process for Employees Not Covered in a Bargaining Unit*.

Approved by: DocuSigned by:
Martha Saunders
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Dr. Martha D. Saunders

Date: 04/01/2022

Authority: Chapter 112, Part III and §1012.977, *Florida Statutes*; 42 CFR 50.603; UWF Policy HR-15.04-07/21

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