

6C4-10.206 Employee Ethical Obligations: Conflicts of Interest and Outside Employment; Employment of Relatives; Seeking or Holding Public Office

(1)(a) For purposes of this rule, employee is defined as an A&P, USPS, or OPS employee. Employees are required to be aware of their obligations and responsibilities as public employees of the University. No employee will have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature that is in substantial conflict with the full and competent performance of the employee's duties.

(b) University employees are required to observe, in all official acts, the highest standards of ethics and conduct consistent with the code of ethics and the financial disclosure requirements of the State of Florida, Chapter 112, Part III, Florida Statutes, all definitions contained in that Part or supplemented by this Rule, and State advisory opinions issued regarding that Part. Other provisions within these Rules govern obligations and responsibilities of employees who receive employment compensation in addition to their annual salary.

(2) Outside Activity

(a) For purposes of this Rule:

1. "Outside Activity" means any employment, private practice, private consulting, service on boards or commissions, or any other activity, which is not part of the employee's University duties and for which the University does not provide compensation. Outside activity includes activities that are uncompensated, compensated, and/or which may eventually be compensated, either directly or indirectly.

2. "Compensation" includes, but is not limited to, wages, salary, stock options, use of airplanes or vacation/resort areas, or any other type of remuneration or benefit received for services performed by the University employee during the outside activity.

(b) An employee must not engage in any outside activity that interferes with the full and competent performance of the employee's duties. Nothing in this Rule is intended to discourage an employee from engaging in outside activity in order to increase his/her professional reputation, service to the community, or income, subject to the conditions stated in these Rules.

(c)1. An employee who wishes to engage in any outside activity making use of facilities, equipment, services or employees of the University in connection with such outside activity must obtain prior written approval of the appropriate University official.

2. The University will administer the use of University facilities to best meet its needs, however, space assignments will be on a space available basis with priority given to any groups and/or persons whose activities are related to the mission of the University.

(d) An employee engaging in outside activity must take reasonable precautions to ensure that the public, 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.

(3)(a) If an employee engages in any outside activity that is uncompensated, the employee must disclose the existence of this activity if the employee believes there is or may be a conflict with the employee's duties as a University employee.

(b) Any employee who intends to engage in any outside activity that is compensated or that may be compensated in the future must discuss such activity with his/her supervisor prior to engaging in the outside activity.

1. If there is any possibility that a conflict will occur, the supervisor will require the employee to make the request in writing.

2. If the employee fails to discuss the outside activity in advance of its inception, the employee will provide a written explanation of the reason(s) for not discussing and/or seeking approval in advance.

(c) The reporting provisions will not apply to activities performed wholly during a period in which the employee has no appointment with the University.

(d) The supervisor or other appropriate University official will assure that approval for the outside activity is granted only when a conflict under this Rule will not occur. The employee will be notified if it is believed that a conflict of interest will result from a proposed outside activity, and will deny the request.

(e)1. The CAO or Vice President Research (or the successor of such office should there be a change in title) is responsible for all intellectual property, inventions and works developed by University employees and will develop guidelines for the administration and protection of any intellectual property, inventions or works, and any copyright, patent or licensing interests of the University.

2. An employee who proposes to engage in outside employment that may lead to the development of some invention or work in which the University may have or claim an interest must furnish a copy of this Rule and any other applicable governing documents to the outside employer or entity either at the time negotiations for other employment is occurring, or if there is no written agreement, before the employment begins.

3. Any requirement(s) that an employee who is engaged in an outside activity must waive the employee's or University's rights or interests to any inventions or works, which may be developed during the course of such outside employment, must be approved by the CAO or Vice President Research.

4. Any agreement by the CAO or the Vice President Research to assign or release any invention or work, including patent rights, to an employee must include that such invention or work, if patented by the employee, must be available royalty-free for governmental purposes of the State of Florida, unless otherwise agreed in writing by the University.

(4) Nepotism

(a) Employment of related persons in a single organizational unit or in work related organizational units is permitted only when such employment will not involve or create a conflict of interest. An employee will not participate in making recommendations or influencing decisions specifically affecting the appointment, retention, work assignments, evaluation, promotion, demotion, or salary of any relative. Prior to the employment of related persons or as soon as the relationship is created or discovered, the Provost or Vice President responsible for the subject organizational unit will determine, and document in writing, that a conflict of interest will not occur or will require that the employment not occur or cease.

(b) For the purpose of this Rule, “relative” or “related” persons are those related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, sister, or parent; or parent, child, brother, or sister of spouse; grandparent; grandchild; aunt, uncle, first cousin, niece or nephew. “Relative” or “related” person also includes a person who is engaged to be married to an employee or who otherwise holds himself or herself out as or is generally known as the person whom the employee intends to marry or with whom the employee intends to form a household, or any other person having the same legal residence as the University employee.

(5) Seeking Election/Holding Public Office

(a) Employees who intend to seek election to and hold public office will provide written notification to the CAO of their intentions and must adhere to the provisions of Section 104.31, Florida Statutes, or any successor statute.

(b) The CAO will determine whether the employee's candidacy for and/or holding of public office will interfere with the full discharge of the employee's duties.

(c) If the CAO determines that the candidacy will interfere with the full discharge of the employee's duties, the employee will be advised in writing that if he/she chooses to continue to pursue the candidacy, he/she will be required to take a leave of absence or submit a resignation as determined by the CAO.

(d) Sworn law enforcement officers must take a leave of absence without pay during the period of office seeking, pursuant to Section 99.012, Florida Statutes, or any successor statute.

SPECIFIC AUTHORITY: §§ 1001.74(4); (19), FS. LAW IMPLEMENTED: §§ 1001.74(19); (34); 1001.75(16), FS. HISTORY: New 10/05/03.

NAME OF PERSON ORIGINATING PROPOSED RULE ADOPTION: Trudie Frecker, Associate Vice President, Human Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE ADOPTION: Carl Carlucci, Executive Vice President

DATE PROPOSED RULE ADOPTION APPROVED: June 27, 2003