Outside Activity/Conflict of Interest

Outside activity is defined as private or public practice, private consulting, additional teaching or research, or other professional activity, compensated or uncompensated, which is not part of the faculty member’s assigned duties and for which the university has provided no compensation.

A Conflict of Interest is defined as any conflict between the private interests of the faculty member and the public interests of the University, or the State of Florida, including conflicts of interest specified under Florida Statutes, or any activity that interferes with the full performance of the faculty member’s professional or institutional responsibilities or obligations. Conflicts of interest, including those arising from University or outside activities, are prohibited.

Florida State University encourages University faculty and academic staff to undertake outside activities, subject to the conditions stated in this policy on outside activity, which will increase the employee’s professional reputation and service to the community. If an outside activity is undertaken, the faculty member or academic staff member must take reasonable precautions to ensure that the outside employer or other recipient of services understands that the faculty member is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University. A faculty member must not engage in any outside activity which the employee may reasonably conclude may create a conflict of interest or which may interfere with the full performance of the faculty member’s academic responsibilities in the classroom and in non-classroom administrative, research, and advising obligations. Before assuming or continuing any outside activity, an Outside Activity form (FSU Form FOA 802) must be completed and approved by the chair/supervisor and dean/director/vice president.

After all necessary approvals have been received, the original of this form must be submitted by the dean/director to the Office of Faculty Development and Advancement.

Florida Statutes, Part III, Chapter 112

Florida Statutes, Part III, Chapter 112, provide that no faculty or staff member shall engage in any outside activity that interferes with the full performance of his or her assigned duties. They further provide that such activities shall not create a conflict of interest, which is defined in Chapter 112.312 to mean a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

The responsibility for complying with these provisions of Florida law is placed upon the faculty or staff member.

Prohibitions under Chapter 112, Florida Statutes

Unless the conditions cited in the Chapter 112.313(12) exemptions listed below apply, the following activities of faculty and academic staff are prohibited:

1. No employee may rent, lease, or sell realty, goods or services to any institution of the State University System at which that individual is employed, unless the contract was entered into before October 1, 1975, or before beginning public employment. (Chapter 112.313(3), F.S.)
2. No employee may have an employment or contractual relationship with a business entity which is doing business with the State University System or any of its institutions. (Chapter 112.313(7), F.S.)
3. No employee may corruptly use or attempt to use that employment or any property or resource within that employment to secure a privilege, benefit, or exemption for such employee or anyone else. (Chapter 112.313(6), F.S.)
4. No employee may disclose or use information not available to the general public which was gained because of that employee's position for personal benefit or for the personal benefit of another person or business entity. (Chapter 112.313(8), F.S.)
5. No faculty member shall require the use of a textbook written by the faculty member without complying with University policy concerning the use of such textbooks.

Exemptions under Chapter 112.313(12), Florida Statutes

No employee shall be held in violation of Items 1. and 2. above in doing business with the State University System or any of its institutions if any of the following conditions apply:

1. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and: (a) the employee or the employee's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder; (b) the employee or spouse or child has in no way used or attempted to use his or her influence to persuade the institution or any personnel thereof to enter such a contract other than by the mere submission of the bid; and (c)
provisions:

President for Research as soon as it becomes apparent that such development is possible. University policy includes the following

Developed commercially valuable products. Such development is encouraged under University Copyright and Patent policy

Normal activities of faculty members at research intensive universities often lead to discoveries which have the potential of being

approval for such work as outside employment pursuant to University policy.

Use of University Facilities in Outside Activities

Any outside activity that involves both an employee and the employee's supervisor in a relationship, such as business

Development of Commercially Valuable Products

All patentable inventions and technological developments discovered or developed by a faculty or academic staff member

Except for discoveries or inventions made during the course of approved outside employment, a discovery or invention which

All discoveries or inventions made outside the field in which the discoverer or inventor is employed by the University and for

Research, acting for the President, and the inventor may agree that the patent for such discovery and invention be pursued by the University and the proceeds shared.

4. While a faculty or academic staff member may engage in approved outside employment pursuant to a consulting agreement, requirements that the inventor's or University's rights to any patentable inventions or discoveries which arise during the course of such outside employment be waived must be approved by the Vice President of Research, acting for the President. The faculty or academic staff member who proposes to engage in such outside employment shall furnish a copy of this provision, and a copy of Article 18 of the FSU BOT - UFF Collective Bargaining Agreement if in-unit, to the outside employer prior to or at the time the consulting agreement is executed.

Financial Disclosure Policy

Faculty members are reminded that they must comply with the financial disclosure provisions of Florida law. The Florida Commission on Ethics publishes a Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees annually. A copy of this document and any information related to financial disclosure may be obtained from the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709, or by calling 850-488-7864. The “Code of Ethics for Public Officers and Employees” adopted by the Legislature is found in Chapter 112 (Part III) of the Florida Statutes.

University Review Committee on Outside Activities

If questions arise concerning the application of any of these standards and guidelines, any employee of the University may seek an advisory opinion from the University Review Committee on Outside Activities. An in-unit faculty member may also file a grievance in accordance with the BOT-UFF Collective Bargaining Agreement, Section 19.5. This Committee shall consist of five tenured faculty members appointed by the President of the University after consultation with the Faculty Senate Steering Committee and the Vice President for Research. The terms of Committee members shall be determined by the President, who shall designate one member to chair the Committee.

Provision for administrative and staff support for the University Review Committee on Outside Activities shall be made by the Vice President for Research. The following are included in the charge to the Committee:

1. The Committee shall provide advice and interpretation when requested by a department chairman, dean, or other appropriate supervisor who has received a request to approve an outside activity of a faculty or academic staff member.

2. The Committee shall provide advice and interpretation when requested by a faculty or academic staff member who is considering requesting approval for an outside activity.

3. The Committee may consider both hypothetical and real situations.

4. When a department chairman, dean, or other appropriate supervisor has denied approval for an outside activity on which the Committee has not been consulted previously, the affected faculty or academic staff member may request that the Committee review the action taken. If the Committee concludes that the outside activity could have been approved under these guidelines, it shall consult with the approving authority to seek resolution of the matter. Should satisfactory resolution not be attained, the Committee may recommend to the President that the activity be approved.

5. When necessary the Committee may seek advisory opinions concerning matters before it from the State of Florida Commission on Ethics.

6. The Committee shall exercise a continuing overview of the functioning of these standards and guidelines and related University policy. From time to time, when appropriate, it shall report to the President and recommend any modifications to policy that it deems desirable for the best interests of the University. Such recommendations also might include suggestions that the University seek modifications to State Law in this area.