

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 24, 2010

REGULATION TITLE:

Conflict of Interest or Commitment; Outside
Activity or Employment

REGULATION NO.:

UCF-3.018

SUMMARY OF REGULATION: This regulation is amended to reflect changes in the requirements for reporting anticipated and ongoing outside activity or employment and conflicts of interest or commitment. Faculty, Executive Service, and Post-doctoral employees will be required to report on an annual basis irrespective of outside activities or employment, and will be required to update the reports in the event of any substantial change in the outside activity or employment. All other employees are required to report outside activity or employment only at the outset or when there is a substantial change in an ongoing outside activity or employment. The regulation clarifies how to report outside activities or employment. The regulation is also amended to clarify the requirement to request use of university facilities, equipment, or personnel in conjunction with an outside activity or employment. Finally, the regulation is clarified to emphasize the university's right to require a potential conflict situation be managed.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:

Dr. Lin Huff-Corzine, Assistant Vice President, Faculty Affairs

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:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

~~67~~**UCF-3.018 Conflict of Interest or Commitment; Outside Activity or Employment.**

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

~~(2)~~ General.

~~(a) For in-unit Faculty and A&P whose terms of employment are covered by a collective bargaining agreement, the provisions of that collective bargaining agreement apply to engagement in outside activity or employment by in-unit Faculty and A&P.~~

~~(b) For all other employees the provisions of paragraph (1)(c) through subsection (5) of this regulation apply.~~This regulation applies to all University employees, irrespective of bargaining unit, pay plan, rank, or employment status.

~~(c) The responsibility of a~~University employees are isexpected to the fully and competently performance ~~of~~ all duties pertinent to their employment. Outside activity or employment which interferes with an employee's obligations to the university or which represents a conflict of interest or commitment areis prohibited.

~~(d)~~ Employees are required to submit a report of their intention to engage-participate in outside activity or employment in advance of such engagement; and to resubmit such report annually or as required by section (3), below. If in the opinion of the ~~university~~ president, or his representative, the outside activity or employment creates an actual or potential conflict of interest or interference with the employee's duties ~~exists~~, the employee will be ~~so~~-notified to resolve the conflict or to provide further information that will allow the university to adequately manage any actual or potential conflict.

~~(e)~~ Any employee who intends-wishes to request theto use of any university facility, ~~or~~ equipment, or personnel in connection with an outside activity or employment is ~~also~~ required to

submit a ~~report written request for such use of such intention~~, in accordance with subsection (3) below. ~~See also University Regulations 6C7UCF-4.029- 4.0294 relating to use of university facilities and 6C7-4.0291.~~

~~(23)~~ Submission of Reports.

~~(a) Faculty, Executive Services, and Post-doctoral employees of the University must submit a report of outside activity or employment and potential conflicts of interest or commitment at the beginning of each academic year, irrespective of whether the employee has any activity or employment to report. Faculty, Executive Service, and Post-doctoral employees must use Form AA-21, "Potential Conflict of Interest or Commitment; Outside Activity or Employment Report." This report must be resubmitted during the course of the reporting period should there be a change in activity, such as new outside activity or employment, substantial increase in the commitment required for an outside activity or employment, or change in relationships that could create a conflict of interest. This report should be submitted online using the reporting process set forth by Faculty Affairs and the Office of Research and Commercialization. Further information is available in the Faculty Handbook, as well as on the web sites for Faculty Affairs and the Office of Research and Commercialization.~~

~~(b) All other employees must submit a report prior to the initiation of any outside activity or employment, using Form HR-111, "Report of Potential Conflict of Interest, Outside Activity/Employment." This form must be resubmitted during the course of the reporting period should there be a change in activity, such as new outside activity or employment, substantial increase in the commitment required for an outside activity or employment, or change in relationships that could create a conflict of interest.~~

(c) 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. For Faculty, Executive Service, and Post-doctoral employees, any such request should be included with the report on Form AA-21. All other employees must use Form HR-12, "Permission to Use University Personnel, Equipment, Facilities, Students, or Services." 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.

~~Initial report of intention to engage in outside activity or employment shall be submitted in advance on the applicable UCF form, hereby incorporated by reference, Form HR11, entitled "Report of Potential Conflict of Interest, Outside Activity/Employment" if A&P or USPS or Form AA21, entitled "Report of Potential Conflict of Interest, Outside Activity/Employment" if Faculty. A request to use university facilities equipment, personnel or services must be reported using Form HR12, entitled "Permission to Use University Personnel, Equipment, Facilities, Students, or Services", if the employee is either USPS or A&P or Form AA22, entitled "Permission to Use University Personnel, Equipment, Facilities, Students, or Services" if the employee is Faculty. Copies of these forms can be obtained from the Human Resources Website or the Provost's Website. Subsequent annual reports shall be submitted in the fall of each year.~~

~~————(b) Submission channels are as follows:~~

~~————1. Employee to supervisor:~~

~~————2. Supervisor to Dean, Director, or other next level supervisor (if Faculty); Supervisor to Dean, Director, or Vice President for Research (if A&P or USPS).~~

~~3. Dean or Director to the Assistant Vice President for Academic Affairs or applicable Vice President or President's representative.~~

~~(c) The Assistant Vice President for Academic Affairs and any Vice President are authorized by the President to take final action with respect to a conflict of interest under this regulation.~~

~~(d) Reports submitted under this regulation will be reviewed at appropriate levels of supervision. If a potential or actual conflict of interest or commitment 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 a potential or actual 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.~~

~~(34) Resolutions. If an employees does not agree with an adverse decision by the president or President's representative, the employee they may not engage in the outside activities but may request relief under the provisions of the applicable UCF grievance procedure, but must follow the University's directive while pursuing the grievance regulation.~~

(54) Other Applicable Regulations. Any employee who accepts compensation for outside employment shall comply with the applicable requirements of Section 112.313, F.S., and University Regulation ~~6C7UCF~~-3.0032.

(65) Nothing contained in this regulation shall excuse any employee from who engages in outside employment or other activities which constitute a conflict of interest or commitments. A determination by the university not to object to an outside activity or employment does not preclude a finding by the State Ethics Commission 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.

Authority: ~~BOG-BOG Regulation 1.001~~~~Resolution dated January 7, 2003~~. History—New 10-8-75, Amended 11-22-77, 4-30-81, 8-15-84, 11-4-90, Formerly 6C7-3.18, Amended 4-23-03, 10-30-07; Formerly 6C7-3.018, Amended _____-10.