

FLORIDA ATLANTIC UNIVERSITY
REPORT of OUTSIDE EMPLOYMENT or
PROFESSIONAL ACTIVITY FORM
ADDITIONAL EXPLANATION

Definitions:

“Outside Employment/Professional Activity” is defined as private practice, private consulting, additional teaching or research for someone or an entity that is not FAU, 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.

“Conflict of Interest” is defined as any conflict between the private interests of the employee and that employee’s obligations to FAU, the public interests of FAU, or the interests of the State of Florida. This includes conflicts of interest specified under Florida Statutes (Section 112.313), federal regulations, or University policy (see FAU’s Report of Outside Employment or Professional Activity Form available online or from Human Resources). It also includes any activity that interferes with the full performance of the employee’s professional or institutional responsibilities or work obligations.

“Sponsored Research” for purposes of this form is defined as research that is funded by a non-FAU entity.

“Significant Financial Interest” is defined as a financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator’s spouse or children) that reasonably appears to be related to the Investigator’s institutional responsibilities:

- i. With regard to any publically traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;
- ii. With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator’s spouse or children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or
- iii. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

Policy:

Subject to University policies, FAU encourages University faculty and staff to undertake outside employment/professional activities that will increase the employee’s professional reputation and service to the community. If an outside employment/professional activity is undertaken, the employee must take reasonable precautions to ensure that the outside employer or other recipient of services understands that

the employee is engaging in such outside employment/professional activity as a private citizen and not as an employee, agent, or spokesperson for the University, with the understanding that mere identification as an FAU employee or by an FAU title or rank shall not be construed as such a representation.

A university employee must not engage in any outside employment/professional activity which the employee may reasonably conclude may create a conflict of interest or which may interfere with the full performance of the employee's work duties, including a faculty member's academic responsibilities in the classroom and in non-classroom administrative function, research, or advising obligations. FAU recommends that faculty engage in no more than an average of eight (8) hours per week on outside employment/professional activities. All outside employment/professional activities are subordinate to and may not conflict with assigned University duties or work time.

Before assuming or continuing any outside employment/professional activity, this form must be completed, approved and submitted through the appropriate supervisors to the FAU Department of Human Resources. Employees that engage in outside employment/professional activity before receiving authorization are still responsible for exercising judgment to avoid conflicts, and will be required to manage the conflict or cease the activity if a conflict is found.

The response must provide detailed information that will enable the reviewer to conduct an analysis of any actual, perceived or potential conflict. "Self-employed," "consulting," or other non-specific responses are insufficient. All clients, customers, boards, businesses, etc. must be disclosed in detail. Any business entity where the employee (or spouse or children) is a member, owner, employee, partner, director or other position must be disclosed regardless of profitability, compensation, or activity status.

Activities that continue into the next academic year:

If the outside employment/professional activity extends from one academic/fiscal year through another, a new Report of Outside Employment or Professional Activity for FAU Employees form must be submitted for each additional academic/fiscal year involved.

The following is intended to provide further instruction for what information you need to disclose.

Multiple outside employment/professional activities

A separate report must be filed for each separate outside employment or professional activity. If an FAU employee engages in outside employment/professional activity for two separate employers, business entities or clients, two separate Report of Outside Employment or Professional Activity for FAU Employees forms must be filed. If several activities are engaged in a single outside entity, these can be included in a single Report.

Proposed Outside Employment/Professional Activity

Continuing Business Interest: This would include not only a continuing business relationship with a third party, but also any relationship you may have with a business in which you, your spouse, or children has an ownership interest.

Description of Outside Employment/Professional Activity: Please attach a page explaining the outside employment or professional activity including: the name of the business, the nature of the service or product supplied, the outside entity's business structure (corporation, partnership, LLC, or individually owned entity), and whether you could perform this activity as part of your FAU employment.

Are FAU employees and/or students involved? If FAU employees or students are involved, the names of those individuals must be included. Additionally, you must state whether any of the students are in any of your classes and whether you are a faculty advisor or supervisor of any of them.

Total number of outside employment/professional activity reports submitted. As stated above, each instance of outside employment or professional activity must be reported separately and should be included in the total number reported here.

Total number of hours spent per week on all outside employment/professional activities. FAU recommends that faculty engage in no more than an average of eight (8) hours per week on outside employment or professional activities. This is a cumulative number intended to encompass all outside employment and activities. See the definition of "Outside Employment/Professional Activity" above if you have questions as to what type of activity is included.

Are you required as a condition of the outside employment/professional activity to waive any rights you may have to intellectual property you develop? FAU as your employer has certain rights to the intellectual property you develop. See the FAU Division of Research Intellectual Property Policy. If the outside professional activity or employment requires that the outside entity own anything you create in the course of that activity or employment, that is a waiver of rights to intellectual property which must be reviewed by the Vice President for Research to see if in the course of this outside employment/professional activity, it is FAU that is giving up its rights as well as you individually.

Will you be working for an entity that has licensed, optioned, or acquired intellectual property from FAU? If this situation exists, there is a likelihood of a conflict of interest. If a conflict exists, it must be reported, all disclosure of significant financial interest forms completed, and a discussion had as to whether the conflict can be managed. FAU encourages outside employment or professional activities which further the careers of its employees. Where conflict exists, it will seek to manage those conflicts to protect the employees involved as well as the interests of FAU.

Are you engaged in Sponsored Research at FAU? Any outside employment or professional activity must not conflict with sponsored research you may be conducting. Under the FAU Division of Research Financial Conflict of Interest Policy, this must be determined by FAU based on the information you provide. If you are engaged in sponsored research, you must complete the disclosure of significant financial interest form and submit through the Sponsored Programs office. Refer to: http://www.fau.edu/research/docs/policies/researchint/Financial_Conflict_of_Interest_Policy.pdf

Does your outside employment or professional activity provide you with a significant financial interest? To respond to this question, you should see the Division of Research Financial Conflict of Interest Policy (Division of Research Policy # 10.1.2) cited on the form. That policy contains the definition of a significant financial interest.

Do you, your spouse or children have an interest in, employment with, or a contractual relationship with a business entity, including a business which you own or partially own, that is or might be doing business with FAU or any of FAU's direct support organizations? Florida Statutes prohibit certain outside relationships between you and FAU. See Section 112.313, Florida Statutes. Therefore, please include in your response, the name of the business, whether you, your spouse or children are involved with the business, the nature of the relationship (an outside vendor, consulting, ownership interest in the business) that you, your spouse, or children may have. This includes the name of any business in which you have an ownership interest that has licensed intellectual property from FAU.

June 2016