

*Memo For Outside Activity
Reporting Requirements 6-8-16*



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MEMORANDUM

TO: Faculty

FROM: Gary W. Perry
Provost and Vice President for Academic Affairs

DATE: June 2016

SUBJECT: **Outside Employment/ Professional Activity Form Reporting Requirements
As They Relate to Faculty**

The following explanation of the Outside Employment/Professional Activity Form reporting requirements as they relate to faculty is to provide clarification on the necessary employment/professional activities that must be reported to the University using the designated forms.

A. Reporting Requirements:

All outside employment, compensated activity, business activity and professional activity (including managerial interests or managerial positions) should be reported and approved. Uncompensated activities and financial interests (including financial interests of an employee's spouse or children) may also need to be reported if they fall within any of the categories described below. Faculty members 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.

In general, an employee must report any outside employment/professional activity or financial interests which have the potential to create a conflict. Conflict of time commitments, both compensated and uncompensated, must also be reported. The reporting requirements apply for any period in which an employee is in active status with the University. For outside employment/professional activities undertaken by employees while not in active appointment status (e.g. summer semester, leave without pay, sabbatical), the faculty member needs to be aware of grant regulations and any conflict of interest considerations that may arise from such activities, and report such activities. If in doubt, reporting is the best practice.

FAU encourages outside employment/professional activities which further the careers of its faculty and often serve the mission of the University. Such activities are of concern to the University if they result in conflicts with the faculty member's activities and responsibilities to the University. Where conflict exists, the University will seek to manage those conflicts to protect the faculty and the interests of FAU.

The following outside employment/professional activities and financial interests must be reported and approved prior to engaging in the activity or acquiring the financial interest:

- a) Outside employment/professional activities in which there is more than an incidental use of University facilities, equipment, and/or services.
- b) Outside employment/professional activities in which a University student or other University employee is directly or indirectly supervised by the employee if the employee in any way supervises or evaluates the student or other employee at the University.
- c) Management, employment, consulting, and contractual activities with, or ownership interests in, a business entity (or state agency) which does business with the university. In the case of material financial and managerial interests, the information required extends to the spouse or children.
- d) Management, employment, consulting, and other contractual activities with, or ownership interest in, a business entity which competes with the University.
- e) Candidacy for public office.
- f) Required use of books, supplies, equipment, or other instructional resources at Florida Atlantic University when they are created or published by the employee, or the employee's spouse or children or by an entity in which the employee, or the employee's spouse or children have financial interest. See the Report of Specified Interest form on the website of the Department of Human Resources.
- g) Professional compensated activities, including, but not limited to, consulting, teaching at another institution, and employment as an expert witness.
- h) Service on a board of directors or board of trustees, service as an officer or other management interest or position in an entity that is not part of a faculty member's Annual Assignment or Annual Activity.
- i) Any outside compensated employment.

- j) Any employment, contractual relationship, or financial interests of the employee's which may create a continuing or recurring conflict between the employee's interests and the performance of the employee's public responsibilities and obligations. This includes any outside activity in which the employee is required to waive rights to intellectual property and any outside activity or financial interest with a business entity which supports the employee's research or training program at the university.
- k) Outside employment/professional activities and financial interests required to be reported under federal contract and grant regulations.
- l) Outside employment/professional activities, both compensated and uncompensated, that require a time commitment that could interfere with obligations related to employment at the University.

B. Exceptions

Various activities of faculty members for organizations outside the University may be considered to be within the scope of the faculty member's reporting requirements as a University employee. For example, service for certain professional organizations may be considered within the responsibilities of the faculty member and, if so, would not be an "outside activity" required to be disclosed. However, such activities must be approved as part of the faculty member's University responsibilities, and any use of University resources with regard to these activities must receive appropriate administrative approval. Further, even when these activities are considered within the scope of the faculty member's activities, the faculty member should remain aware of the conflict of interest considerations that may arise when performing work for organizations separate from the University.

In general, most other outside employment/professional activities are allowed if they do not interfere with the faculty member's performance of his or her University obligations. However, determining whether a particular situation involves a conflict of interest is dependent on reviewing all the facts of the specific situation, which emphasizes the importance of the disclosure and discussion of possible conflicts. If in doubt, reporting is the best practice.

An employee engaging in outside employment/professional activity shall indicate that he/she is not an institutional representative unless specifically authorized as such, with the understanding that mere identification as an FAU employee or by an FAU title or rank shall not be construed as such representation.

C. Procedures for Faculty

1. The faculty member completes the Report of Outside Employment or Professional Activity for FAU Employees form and submits it to his/her chair/director/supervisor for approval.
2. The chair/director/supervisor forwards the form to the dean/director.
3. If the faculty member answers "Yes" to questions 8a, 8b, 9a or 9b, the form needs to be scanned and emailed to Sponsored Programs, Division of Research.
 - a. Sponsored Programs will scan and email the form to the Office of the Provost for further processing.
4. If the faculty member answers "No" to questions 8a, 8b, 9a or 9b, the form needs to be scanned and emailed to the Office of the Provost.
5. The fully executed form will be placed in the faculty member's personnel file and copies emailed to the Dean, faculty member and Department of Human Resources.

D. Documents for Reference

Florida Atlantic University Report of Outside Employment or Professional Activity Form
Additional Explanation
University Regulation 5.011 University Ethics
University Policy 7.5 Personnel (.08 Employee Ethical Obligations and Conflict of Interest)
Division of Research Policy 10.1.2 Financial Conflict of Interest
Division of Research Policy 10.6 Intellectual Property
Florida Statute 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys
Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees
FAU Board of Trustees/United Faculty of Florida Collective Bargaining Agreement
Article 19 Conflict of Interest/Outside Activity
Article 18 Intellectual Property
Forms: Report of Outside Employment or Professional Activity for FAU Employees
Report of Specified Interest
University Equipment, Facilities and Services