



<b>SUBJECT:</b> CONFLICTS OF INTEREST, CONFLICTS OF COMMITMENT AND OUTSIDE ACTIVITIES	<b>Effective Date:</b>  June 14, 2021	<b>Policy Number:</b>  8.3
	<b>Supersedes:</b> Report of Outside Employment Guidelines	<b>Page Of</b> 1 8
	<b>Responsible Authority:</b> Provost Vice President, Administrative Affairs Chief Compliance & Ethics Officer	

person’s position with the University in a manner that may (or may appear to) inappropriately influence the person’s professional judgment, compromise their personal or professional judgment, or compromise the individual’s distribution

obligation, and commitment and external professionally-related or personal activities. External activities may include teaching at another institution; consulting and other professional activities; and business activities related to outside entities including start-up companies. A conflict of commitment can arise when the external activities, which may be with or without compensation, burden or interfere with the employee’s primary obligations and commitments to the University.

*COI Review Committee:* A committee established to provide feedback for any outside activities or financial interests that may present a conflict of interest or conflict of commitment. The committee shall be comprised of representatives from the Office of the Provost, the Faculty Senate, the Division of Research, and the Department of Human Resources, and shall be

chaired by the University Chief Compliance and Ethics Officer. The COI Review Committee may consult with additional individuals and resources as needed for any particular matter.

*Financial interest.* Anything of value other than that provided directly by the University, including but not limited to equity interests (iot5d0.r C

In addition, the process for disclosing and managing conflicts of interest as described in this policy are the minimum steps that must be taken by those employees with a reporting obligation. It is possible that a particular situation or activity may call for specific steps beyond those outlined here for proper disclosure and/or management of a conflict. Particular units and activities of the University may also have specific conflict of interest policies or guidelines. Those specific policies may in certain cases be more restrictive than this University-wide policy and may be more expansive in its applicability.

## B. BASIC PRINCIPLES

Conflicts of interest include a variety of situations in which an employee is faced with conflicting loyalties. Traditionally of most concern are those situations in which regard for a private interest may lead to a disregard of the faculty or staff member's duties toward the University and its mission. Most often these arise when personal economic interests conflict with the duties toward the institution. Conflicts may also arise in instances in which the faculty or staff member will not receive any economic benefit from the outside activity.

Although a specific work-week is not defined for full-time faculty members, it is expected that such faculty membership constitutes a full-time obligation and that, with the exceptions explicitly permitted by University policies, outside activities must not interfere with the primary commitments to teaching, research and service. Outside activities must not distract significantly from the primary responsibilities and must not require such extensive absence as to cause employees to neglect employment obligations or become unavailable to students and colleagues. The University recommends that full-time faculty engage in no more than an average of eight (8) hours per week on outside activities.

Because a "conflict of interest" or "conflict of commitment" depends on the situation in which an individual is placed, rather than the character or actions of the individual, a conflict is not necessarily "bad" or prohibited. Some conflicts, however, present such a potential for a breach of one's duty to a particular employer, person, or entity that they must either be permitted with conditions, including a Management Plan with review and oversight by other institutional representatives, or prohibited.

## C. REPORTING REQUIREMENTS

All FAU employees possessing at least a .5 appointment at the University, other than student employees, OPS employees and graduate teaching assistants, and any University employee engaged in the design, conduct, or reporting of research regardless of FTE, full-time, or part-time status are required to complete an outside activity report in a form directed by the University on or before September 30 of each year (or within thirty (30) days of the commencement of employment with FAU if this occurs after September 30). If an employee has no information to disclose, a report must still be completed. Separate disclosures are also required for all sponsored projects as noted in Section D below.

If a change in the information presented occurs prior to the next reporting date, a new disclosure report must be submitted for approval. The disclosure and approval must occur prior to the commencement of a new activity or interest. If the activity or interest commences without disclosure and approval, and a conflict of interest or conflict of commitment is later determined, the employee may be asked to cease or modify the activity or divest itself of the financial interest. If the failure to report involves an employee engaged in the design, conduct, or reporting of research, they may be subject to other sanctions as set forth in Section F below.

Part-time, student, or OPS employees, including without limitation adjuncts and graduate teaching assistants, as well as volunteers, emeritus faculty, and affiliates, post-doctoral,



business entity which supports the employee's research or training program at the University.

- j) Outside activities and financial interests required to be reported under government contract and grant regulations.
- k) Outside activities with a domestic or foreign talent program.
- l) Outside activities that include the provision of paid or unpaid services, such as consulting, to a domestic or foreign entity.
- m) Outside activities that include affiliations with or appointments at domestic or foreign institutions or entities.
- n) Outside activities involving: (i) any research funded, directly or indirectly, by a domestic or foreign institution or entity, (ii) a research collaboration with scientists or researchers within or outside of the United States, or (iii) use of the University's intellectual property.
- o) Outside activities or financial interests which otherwise interfere with the employee's duties to the University or affect the integrity of the University. These duties include the employee's duties to students and the public clientele served by the faculty or staff member, the duty to maintain the freedom of scholarly inquiry and dissemination of knowledge, and the duty to protect the rights of the University and fellow employees and students to intellectual property developed by them as well as by the faculty or staff member. Only the University through the Vice President for Research or his or her designee ma



In the case of textbooks and instructional materials, a faculty member or other instructor may only require students to buy textbooks or instructional materials in which he or she has authored or holds a financial interest in accordance with FAU policies and regulations, including without limitation [FAU Regulation 5.011 University Ethics](#), [FAU Regulation 3.004 Textbook and Instructional Materials Affordability](#), and the [Provost's Memorandum on Procedures for Selecting Textbooks for Affordability](#).

Recognizing that colleges and departments within the University have unique attributes, a unit may develop guidelines that will assist members of its faculty and staff to deal with the particular conflict situations that may arise with regard to their particular services and fields. All such guidelines must be approved by the dean or director of the unit involved and the Office of the Provost or the appropriate Vice President.

University direct-support organizations may have conflict of interest policies applicable to their directors, officers, and employees. University employees acting as directors or officers or providing services to the organization must disclose any financial interests in any business entity doing business with the direct support organization and must comply with the organization's conflict of interest policies in connection with any procurement or other business transactions with the organization.

Any non-incident use of university equipment, facilities or services with regard to an outside

designee, that their outside activity or financial interest does not affect the integrity of the University.