UNIVERSITY OF FLORIDA
GUIDELINES, POLICIES, AND PROCEDURES
ON CONFLICT OF INTEREST AND OUTSIDE ACTIVITIES,
INCLUDING FINANCIAL INTERESTS

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* Disclosure of outside activity forms are provided as a link to the Office of the Provost site: http://aa.ufl.edu
I. INTRODUCTION

The mission of the University of Florida is education, and central to that mission are teaching, research, and service. The university is committed to providing its students, as well as its public constituencies, the best instruction and other educational services possible. Research, encompassing all areas of academic inquiry and creativity at the university, is vital to the university's mission as it makes possible the expansion and advancement of knowledge. The faculty and staff members of the university must be committed to the university's goals of teaching, research, and service and recognize that their primary professional responsibility is to the university.

Employees of the University of Florida may also engage in outside employment, consulting, and other similar activities. These activities further the dissemination and use of the knowledge and expertise developed at the university and may also advance the professional competence and reputation of the faculty and staff members. Thus, participation in outside activities may often serve the mission of the university in addition to benefiting individual employees. Such activities and the financial interests of faculty and staff members are, however, of concern to the university if they result in conflicts with the employees' duties and responsibilities to the institution.

In recent years, governmental and other entities have increasingly encouraged colleges and universities to pursue research leading to new products and processes and then to develop such new products, often in conjunction with the institution's own licensing program. Faculty members and other employees may be encouraged to participate as consultants, employees, managers, and owners of companies to which the new technology is licensed. The university may conduct further research on the technology through the efforts of the same faculty members or other employees. These activities increase the potential for conflicts of interest and have caused greater emphasis to be placed on problems associated with such conflicts.

Issues involving conflicts of interest and outside activities in the college and university setting, however, are not new, nor are they confined to areas involving research or technology transfer. There are, in fact, a multiplicity of rules, regulations and laws that must be taken into account in the area of conflict of interest and outside activities. For example, as state employees, the faculty and staff of the University of Florida are bound by the State of Florida's statutory Code of Ethics for Public Employees. The University of Florida Board of Trustees also has promulgated regulations and has entered into collective bargaining agreements dealing with outside activities and conflicts of interest. This document outlines the problems and concerns presented by the conflicts of interest and outside activities of the university's faculty and staff (chapter II) as well as the university's procedures, including federal grant requirements (chapter III), and the state law (chapter IV) dealing with these matters.
II. BASIC PRINCIPLES OF CONFLICT OF INTEREST WITH REGARD TO OUTSIDE ACTIVITIES AND FINANCIAL INTERESTS

A "conflict of interest" occurs in any situation in which a person serves or represents two distinct entities (or persons) or must choose between two conflicting interests. A "conflict of interest" in the traditional sense encompasses situations in which a person has actually neglected or breached a duty to one entity to the benefit of another, situations in which a person has used his or her position with one entity to advance personal gain or the gain of another entity, and situations in which there is a potential for breaching a duty to one entity. The latter is sometimes referred to as a "potential" or "apparent" conflict of interest. In this document the term "conflict of interest" will be used to describe all these situations.

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.

For example, a conflict occurs when a faculty or staff member influences a decision of the university or a decision of a student if a personal economic benefit to the faculty or staff member may arise from that decision. There is a conflict of interest when a purchasing agent buys goods from a company and is an employee of the company at the same time. There is a conflict when a faculty member recommends that goods be purchased from a company in which the faculty member or the faculty member's spouse or child has a financial interest. There is a conflict when a faculty member recommends that a graduate student pursue research in an area that would benefit the commercialization of a product of a company in which the faculty member has a financial interest. There is a conflict when a faculty member directs clinical research involving a medical device for which the faculty member receives royalty payments. In these situations the faculty or staff member has the opportunity to use his or her position and influence within the university to advance his or her personal economic gain.

Other conflicts may arise that inhibit the employee's duty of loyalty or commitment to the university. These conflicts, as well as those that represent conflicting time commitments, are sometimes referred to as “conflicts of commitment.” For example, a faculty member enters into a consulting agreement which impairs his or her ability to do research or other activities at the university or which results in the potential transfer of intellectual property rights which would otherwise belong to the university. A faculty member owns a company that competes with the university for corporate and governmental research grants and contracts. In another example, by serving as an expert witness, a faculty member causes his or her own research data and that of university colleagues and students to be revealed prematurely in the course of a lawsuit, thereby compromising the ability of university colleagues and students to publish their research results. There is a conflict when a faculty member accepts a gift of travel expenses from a company manufacturing certain products if one of the faculty member's duties is to do research in order to formulate recommendations on the use of such products which will be transmitted to growers.
through the university's extension service or if one of his or her duties as an extension agent is to give such unbiased recommendations.

Conflicts may arise even in instances in which the faculty or staff member will not receive any economic benefit from the outside activity. For example, a conflict is evident if a faculty member's obligations to the university in terms of teaching and advising are not met due to the time spent on the outside activity. The conflict exists even though the activity may provide no remuneration to the faculty member.  

Such situations illustrate that certain fundamental principles must be integral to the university's policies concerning conflicts of interest and outside activities and financial interests:

- The educational programs and professional careers of individual students and faculty members cannot be adversely affected by a faculty or staff member's outside activities or financial interests.

- The university's research and education programs cannot be adversely affected and must remain credible. The outside activities of employees should not impede the dissemination of knowledge.

- The safety of patients and participants in research must be maintained.

- The university's personnel and resources must be used for the promotion of the mission of the university and the public interest rather than for private gain.

These policies must be consistent with the University of Florida Ethics Policy, which provides:

All trustees, officers, and employees of the University of Florida will adhere to the highest ethical and business practices. All actions of the trustees, officers, and employees of the university shall be in compliance with the law, including the Code of Ethics for Public Officers and Employees, Chapter 112, Florida Statutes, and the University of Florida Guidelines, Policies, and Procedures on Outside Activities.

Because a “conflict of interest” depends on the situation in which an individual is placed, rather than the character or actions of the individual, a conflict of interest is not necessarily “bad” or prohibited. Such conflicts confront most of us at various times because we have personal, business, or professional loyalties that may be in conflict. 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 review and oversight by other institutional

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1Personal relationships may also create conflicting interests. For example, a faculty member has a conflict when he or she has an amorous relationship with a student in his or her class. A business manager has a conflict when he or she supervises an employee who is his or her son or daughter. For guidance in these situations, please refer to the university’s regulation on the employment of relatives (nepotism), Regulation 1.009, and the policy on “Consensual Relationships” in the university’s Policy on Sexual Harassment at http://www.hr.ufl.edu/eeo/sexharassment.htm.
representatives, or prohibited. Generally, if a conflict situation is permitted, specific guidelines and expectations are established prior to permitting the activity or financial interest. The guidelines may allow for periodic review and oversight to minimize the effects of conflicts. Most conflict situations that are of concern and allowable under the law can be handled through disclosure and the setting of appropriate conditions and monitoring requirements.

Each faculty or staff member should recognize that the following types of outside activities, whether compensated or uncompensated, and financial interests provide a basis for a possible conflict of interest:

1) Outside activities which represent time commitments that would interfere with a faculty or staff member's accomplishing his or her university duties and responsibilities.

2) Outside activities which use the equipment, personnel, or other resources of the university.

3) Outside activities in which other employees and students supervised and/or evaluated by the employee are also involved.

4) Outside activities (consulting, employment, management, or other contractual relationships) with a person or entity, or financial interests in an entity, that does business with the university, particularly when the faculty or staff member may influence a university decision involving that business.

5) Outside activities or financial interests in an entity which competes with the university's activities, particularly when these are in the same field as that of the faculty or staff member or when the employee has access to university confidential information of interest to the entity.

6) Outside activities (consulting, employment, management, or other contractual relationship) with, or financial interests in, an entity that is supporting the faculty or staff member's research or educational activities at the university or that will be directly affected by the faculty or staff member’s research or educational activities.

7) Outside activities or financial interests which otherwise interfere with the employee's duties to the institution. 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 may approve any waiver of university rights to intellectual property in connection with an outside activity.

Various activities of faculty members for organizations outside the university may be considered to be within the scope of the faculty member's duties 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 duties must receive appropriate administrative approval. Further, even when these activities are considered within the scope of the faculty member's duties, 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 addition, although the reporting requirements concerning outside activities or financial interests do not apply for those periods in which the employee has no appointment with the university unless required under federal grant regulations, the employee should still be aware of the conflict of interest considerations that may arise from such activities. For example, a faculty member employed on a nine-month contract should be aware of the conflicts created by his or her employment during the summer months by the same entity that supports his or her research under a research contract with the university during the remainder of the year. The university must also approve the faculty member's use of university equipment or facilities during any period the employee has no appointment with the university. Only the Vice President for Research or his or her designee can approve the University’s waiver of intellectual property rights in connection with any activities conducted during such periods.

Although not an “outside activity,” an employee who wishes to engage in additional university employment in excess of one full-time equivalent position or who receives compensation as a university employee simultaneously from salaries appropriations and any other appropriation (Other Personnel Services or OPS) must receive approval through the Request for Approval of Additional University Compensation (Appendix B4).

Faculty and staff members are primarily responsible for determining and disclosing their own possible conflicts of interest. Both they and the university benefit from disclosure and discussion of possible problems concerning outside activities and financial interests. Finally, the necessity of disclosing certain outside activities should not obscure the fact that the great majority of the outside activities and financial interests of faculty and staff members are compatible with their university obligations and that the requirements of an outside activities and conflict of interest policy are not meant to discourage the many valuable outside activities of university faculty and staff members.

III. UNIVERSITY OF FLORIDA REGULATIONS AND PROCEDURES

In addition to Florida law applying to all state employees, which is discussed in chapter IV of these Guidelines, the University of Florida has promulgated Regulation 1.011 concerning outside activities and financial interests. The Collective Bargaining Agreement between the University of Florida Board of Trustees (UFBOT) and the United Faculty of Florida (UFF) contains provisions in Article 26 that apply to those faculty and other personnel within the bargaining unit. Other collective bargaining agreements may affect certain classes of university
employees. Regulation 1.011 and Article 26 of the UFBOT/UFF collective bargaining agreement are included as Appendices A1 and A2.

Federal conflict of interest laws and regulations are applicable to some faculty and staff members at the university, including those who work under certain federal grants and contracts, those who conduct clinical trials to be used for Food and Drug Administration applications, and those who are employed by federal agencies. Any University of Florida employee who submits a federal grant or contract proposal or conducts research or educational activities under a federal grant or contract must adhere to the applicable requirements of the funding agency, including those involving the disclosure and regulation of outside activities and financial interests. The specific reporting requirements imposed on persons submitting proposals for Public Health Service and National Science Foundation grants and contracts (and other entities that follow the conflict of interest policies of such agencies) and those carrying out research and educational activities under such grants and contracts are summarized in section B of this chapter.

A. Basic Reporting Requirements

Any university employee engaged in an outside activity or holding a financial interest that must be reported is REQUIRED to complete the University of Florida’s Disclosure of Outside Activities and Financial Interests form prior to the commencement of the outside activity or acquiring the financial interest and thereafter at the beginning of each contractual year of employment (generally, the beginning of the fall semester for 9-month appointments and July 1 for all others). If a material change in the information presented occurs during the contract year, a new form must be submitted. Faculty members in the collective bargaining unit are required to use the form found in Appendix B1; all other employees should use the form found in Appendix B2. If more than one activity or financial interest must be reported, separate forms for the various activities and interests must be filled out.

Faculty members (Academic Personnel) are required to indicate annually as part of the effort reporting process whether they have financial interests or are involved in outside activities that must be reported. University Support Personnel System (USPS) and Technical, Executive, Administrative, and Managerial Support (TEAMS) employees are required to indicate on their annual Performance Evaluation forms whether they have such financial interests or outside activities. If the answer is affirmative, the required disclosure forms must have been submitted.

Under the Collective Bargaining Agreement between the University of Florida Board of Trustees and Graduate Assistants United, graduate assistants must disclose in writing “any outside activity which the employee should reasonably conclude may create a conflict of interest.” The Disclosure of Outside Activities and Financial Interests form should be used for this purpose.

The primary purpose of the disclosures required on the Disclosure of Outside Activities and Financial Interests form is to identify those activities and interests that pose potential
conflicts of interest, including conflicts of time commitments. The faculty or staff member makes this initial determination, which should be accomplished in consultation with his or her supervisor. In those situations where a potential conflict of interest exists and the activity or interest is allowable under applicable law, the activity or interest may be allowed after disclosure and review and with the development of appropriate conditions by the faculty or staff member in conjunction with the department chairperson and the college dean or the unit director, or it may be disallowed.

All outside employment, compensated activity, and continuing business 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 and children) may also need to be reported if they fall within any of the categories described below. In general, an employee must report any compensated outside activity or financial interests which have the potential to create a conflict, including a conflict of time commitments. The reporting requirements apply for any period in which an employee is employed by the university, including any time that the employee is in leave status.

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

   a) Outside activities in which there is more than an incidental use of university facilities, equipment, and/or services.

   b) Outside 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 and children of the employee, and for managerial interests, to relatives. For further information on these requirements, please see the discussion in sections 4, 5, and 6 of chapter IV of this document.

   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 the University of Florida when they are created or published by the employee, or the employee’s spouse or domestic partner or minor child(ren) or by an entity in which the employee, or the employee’s spouse or domestic partner or minor child(ren) have a financial interest, if more than $500 is received or expected to be received annually by any or all of them in the aggregate.
g) Professional compensated activities, including, but not limited to, consulting, teaching at another institution, participating in an activity in which an honorarium is to be received, 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.

i) Any outside compensated employment.

j) Any employment, contractual relationship, or financial interests of the employee which may create a continuing or recurring conflict between the employee's interests and the performance of the employee's public responsibilities and obligations, including time commitments. 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 activities and financial interests required to be reported under federal contract and grant regulations.

Faculty members in the collective bargaining may not need to report certain activities and financial interests or certain activities and interests. Please refer to Article 26 of the UFBOT/UFF collective bargaining agreement (Appendix A2) for applicable reporting requirements.

In making the required disclosure on the Disclosure of Outside Activities and Financial Interests form, the following information must be furnished:

a) Name of employing or contracting entity or person, or name of entity in which the financial interest is held, and nature of its business.

b) Involvement of students and other employees in the activity, employing entity, or entity in which the financial interest is held, if that involvement is known to the employee making the disclosure.

c) Nature of activity or financial interest (description of equity interest or intellectual property), including time spent if an activity is involved (estimated hours per week including travel time). The source and type of compensation must be noted, and in the case of legal representation or service as an expert witness, all parties to the matter must be identified.

d) Location and anticipated dates of activity.

e) Any conditions of the activity which involve waiving or impairing the employee's or university's rights to intellectual property.
f) Use of university equipment, facilities, or services in connection with the activity.

g) Number of other outside activities and financial interests previously filed for the contractual year.

h) Whether the activity or financial interest was reported in the previous contractual year.

Other information may also be requested in order to assure a complete review of the activity.

The responsibility for adhering to the law and regulations on conflict of interest and outside activities rests with the individual faculty or staff member. Full disclosure and discussion of all potential and actual conflicts make possible the addressing of the issues involved and prevent problems arising for both the faculty or staff member and the university in the future. The review and oversight responsibility rests with the department chairperson and the dean or director of the college or other unit in which the faculty or staff member is employed. An employee must provide sufficient information to those with the review and oversight responsibility to enable them to make an informed decision concerning the allowance of the outside activity or financial interest.

Any employee engaging in outside activities must recognize that he or she is performing such activities as an individual and may not represent that he or she is acting on behalf of the university. For example, an employee may not use University of Florida letterhead or a University of Florida email address in conducting outside activities. The employee must take reasonable precautions to insure that the outside employer or other recipient of services understands that the employee is engaging in the outside activity as a private citizen and not as an employee, agent, or spokesperson of the university.

B. Federal Reporting Requirements relating to Sponsored Projects

Federal regulations require that the university manage, reduce, or eliminate any actual or potential conflicts of interest that may be presented by certain compensated outside activities and other financial interests of persons involved in sponsored research projects funded by the Public Health Service (PHS) and the National Science Foundation (NSF). The primary purpose of the federal regulations is to prevent bias in the design, conduct, or reporting of research projects.

Any “Investigator” submitting or working on projects funded by the PHS or the NSF must abide by these requirements. An Investigator is defined as the principal investigator, co-principal investigator, project director or any other personnel, regardless of title or position, whether or not employed by the university, responsible for the design, conduct, or reporting of the proposed or funded research or educational activities. For the purpose of determining a “Significant Financial Interest,” as defined below, an “Investigator” also includes such a person’s spouse and dependent children.
Any personnel submitting a grant or contract proposal to the National Science Foundation through the university or conducting research or educational activities pursuant to such a federal grant or contract at the university as an Investigator must disclose any “Significant Financial Interest” that would reasonably appear to be affected by the proposed or funded research activities, including interests maintained in entities that would be so affected. A “Significant Financial Interest” under NSF regulations refers to: salary or other payments for services, such as consulting fees and honoraria; equity interests, such as stocks and stock options; and intellectual property rights, such as patents, copyrights, and royalties. A Significant Financial Interest for NSF does not refer to salary or other remuneration from the university; income derived from seminars, lectures or teaching engagements sponsored by public or nonprofit entities; income derived from service on advisory committees or review panels for public or nonprofit entities; or salary, royalties or other payments that, when aggregated for the Investigator and his or her spouse and dependent children, are not expected to exceed $10,000 over the next 12 months. An equity interest that, when aggregated for the Investigator, spouse, and dependent children, does not exceed $10,000 and does not represent more than a five percent ownership interest in any entity is also not considered a Significant Financial Interest.

Any personnel submitting a grant or contract proposal to the PHS through the university or conducting research or educational activities pursuant to such a federal grant or contract as an Investigator must disclose any “Significant Financial Interest” that would reasonably appear to be related to the Investigator’s institutional responsibilities. A Significant Financial Interest for PHS with regard to any publicly traded entity (domestic or foreign) 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 when aggregated exceeds $5,000. Remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship, travel reimbursement); equity interest includes any stock, stock option, or other ownership interest, as determined by public prices or other reasonable measures of fair market value. With regard to any non-publicly traded entity (domestic or foreign), a Significant Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure exceeds $5,000, or the Investigator holds any equity interest. The term Significant Financial Interest does not include the following types of financial interests: salary, royalties, or other remuneration paid by the university to an Investigator who is currently employed; income from seminars, lectures, or teaching engagements sponsored by a U.S. federal, state, or local government agency, or an institution of higher education as defined at 20 U.S.C. 1001(a); or income from service on advisory committees or review panels for a U.S. federal, state, or local government agency, or an institution of higher education. Investigators must also disclose any reimbursed or sponsored travel regardless of the dollar amount.

Significant Financial Interests must be disclosed at the time of the submission of the proposal, but approval of the outside activities and financial interests (with conditions if warranted) need not occur until the project has been funded. All Investigators on NSF and PHS proposals must fill out and sign a Division of Sponsored Programs Disclosure of Financial Interest form before the proposal is submitted by the Division of Sponsored Programs to these agencies (Appendix B5a for PHS; Appendix B5b for NSF). If a "Significant Financial Interest" is disclosed, the employee must attach a copy of his or her Disclosure of Outside Activities and
Financial Interests form disclosing the interest. The Disclosure of Financial Interest form (with the Disclosure of Outside Activities and Financial Interests form if needed) must be part of the package submitted for review and approval through the usual departmental, college, and unit approval process using the DSR-1 form. It is the principal investigator’s responsibility to ensure that Division of Sponsored Programs Disclosure of Financial Interest forms are obtained from all Investigators in order to meet proposal application deadlines. The Division of Sponsored Programs requires at least three business days to review proposals.

If there is no Significant Financial Interest at the time of submission of the proposal, but such an interest develops at any point prior to funding, it must be reported and approved prior to the time the project is funded. The federal regulations also require that the disclosures be made annually during the course of the research, which is consistent with the university’s requirement that outside activities and financial interests be disclosed at the beginning of each academic year. The employee must file a new disclosure within 30 days if a new Significant Financial Interest is obtained, which is consistent with the university’s requirement that any material changes to outside activities and financial interests must be reported during the academic year. Review and approval or disapproval of the interests disclosed during the course of a research project must be accomplished within 60 days.

The dean or director (or designee) and the institutional official (or designee) are responsible for reviewing each disclosure to determine if there is a financial conflict of interest. The University, through the department chairperson or supervisor (or designee) and dean or director (or designee) and the Division of Sponsored Programs through the Office of Research Compliance, is required to manage, reduce or eliminate the conflict. Conditions that might be imposed in such cases include public disclosure of the conflict, disclosure of the conflict to participants in projects involving human subjects, modification of the research design, restricting an Investigator from participating in parts of the research, or monitoring of the research by independent reviewers. (Please see the sample Conflict of Interest Monitoring Plan at Appendix B8.) If adequate measures are not feasible, the Investigator may have to discontinue the compensated activities, divest himself or herself of the financial interest, or terminate the research. The Investigator must abide by the conditions under which the research is permitted.

Prior to expenditure of any funds under a PHS project the university will submit a conflict of interest report to the PHS awarding component and ensure that an appropriate management plan concerning the conflict has been implemented. A report will be submitted within 60 days for new or newly identified financial conflicts. For any conflict previously reported by the university with regard to an ongoing PHS project, the university will submit an annual report that addresses the status of the conflict and any changes to the management plan.

Pursuant to the PHS regulations, if a conflict is not identified, including failure by an Investigator to disclose a Significant Financial Interest which is determined to be a conflict, or if an Investigator fails to comply with a conflict management plan, then the university will review the research to determine whether any bias in the design, conduct or reporting of the research exists. If necessary, the university will update the conflict report it previously submitted to the PHS awarding component and if bias is found will submit a mitigation report.
Where the PHS funded research involves a subrecipient, the subrecipient will follow the financial conflict of interest policy of the subrecipient. The subcontract shall provide that the subrecipient shall report identified financial conflicts for its Investigators to the university to allow the university to report to the PHS awarding component.

University will post information concerning identified financial conflicts with regard to PHS-funded research on a public website housed on the Office of Research web page.

For further information with regard to federal contract and grant requirements, please contact the Division of Research Compliance at 294-1632.2

C. Guidelines for Allowance of Outside Activities and Financial Interests

The university recognizes that there are conflict situations which must be prohibited, conflict situations which may be allowed with conditions and oversight, and outside activities and interests that are generally allowed. The guidelines that follow are designed to assist faculty, administrative and professional staff, and other employees, as well as department chairpersons, directors, deans, and other supervisors, in evaluating conflict of interest situations.

1) Prohibited outside activities and financial interests:

Any outside activities or financial interests which are prohibited by state law cannot be allowed. The most significant of these prohibitions for faculty members are those concerning financial interests, employment, and other contractual relationships with an entity doing business with the university. This prohibition is explained in the following section

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2 A Note on FDA Requirements for Clinical Trials. Under Food and Drug Administration (FDA) regulations, if sponsors of clinical trials are to use the results in support of marketing applications, they must obtain certain financial information from clinical investigators. This information includes:

(a) Financial arrangements under which the value of the compensation could be influenced by the outcome of the study. (It should be noted that such personal income would be prohibited under Florida’s Code of Ethics for Public Employees; please refer to section IV (5) of these Guidelines.)

(b) Payments to the university or the investigator of a value greater than $25,000 (other than for purposes of conducting clinical trials) during the time the clinical investigator is carrying out the study and for one year following the completion of the study. For example, a grant to fund ongoing research, or compensation in the form of equipment or retainers for ongoing consultation or honoraria, would meet this requirement. (Such funds paid to the investigator personally would be prohibited under Florida’s Code of Ethics for Public Employees unless an exemption applied.)

(c) A financial interest in the products which are the subject matter of the clinical trial (such as, a patent or income from a licensing agreement).

(d) A “significant financial interest” in the sponsor of the study. “Significant financial interest” means any financial interests in a nonpublicly-traded company of any amount or any equity interest in a publicly trade company that exceeds $50,000. (Generally, such interests would be precluded without an exemption under Florida’s Code of Ethics.)

Financial interests include those of the investigator’s spouse and minor children. Of course, any disclosure of financial interests in conjunction with a clinical trial should be consistent with the employee’s Disclosure of Outside Activities and Financial Interest.
discussing Florida law and generally would prohibit, for example, any transaction between the university and a company owned by a faculty member unless one of the exemptions set forth in the law applies. Similarly, a research contract between the university and a company cannot support the research of a faculty member who has a contractual relationship (such as a consulting arrangement) with or a financial interest in that company unless an exemption applies.

Also prohibited under Florida law are those outside employment or contractual relationships which would create a "continuing or frequently recurring conflict" between the employee's private interest and the performance of his or her public duties or "that would impede the full and faithful discharge of his or her public duties." Thus, an employee employed to develop software in a given field for the university could not be employed to develop the same kind of software elsewhere. Such employment would create a "continuing or frequently recurring conflict." Further, a University of Florida employee could not hold an employment or consulting arrangement involving litigation against the university or the Florida Board of Governors because such would impede the faithful performance of his or her duties toward the university. Outside activities or contractual relationships with a company that supports the research or training activities of a faculty member create such a conflict and, thus, are not allowed unless an exemption applies.

2) Outside activities and financial interests that may be permitted only after review and with appropriate conditions if necessary:

Among such activities and financial interests are the following:

a) Outside activities or financial interests allowed under an exemption to state law. With regard to doing business with the university, for example, this includes the exemption for research and license agreements or transactions of under $500 in a calendar year. The exemption for research and license agreements requires special approvals as explained in section IV(6)(e). The procedures concerning proposed business transactions with the university are discussed below in section IV(5).

b) Outside activities or financial interests in a company that will be directly and significantly affected by the research activities of the faculty or staff member. Such activities or financial interests can only be permitted if they do not create a "continuing or recurring conflict," as noted above.

c) Outside activities or financial interests in a company conducting educational or research activities which could be conducted at the university.

d) Outside activities or financial interests in a company involving students or employees of the university in any way evaluated,
taught, or directed by the faculty or staff member at the university. Such situations involving students or employees are strongly discouraged and should be avoided.

e) Outside activities which involve more than an incidental use of university facilities, equipment, and services. The use of any university personnel should be disallowed unless the services provided are generally available to the public.

f) Outside activities or financial interests related to the use of instructional materials as more fully explained below.

Such outside activities and financial interests may be allowed and such allowance may require that conditions have been established through which any conflicts may be minimized. For example, a conflict situation may be allowed under a written agreement with the faculty member which requires oversight in some instances by persons external to the faculty member's department or college. In addition, disclosure of a conflict situation to others besides those reviewing the Disclosure of Outside Activities and Financial Interests may be required. Disclosure of financial interests (including royalties from inventions) may need to be made in research protocols and consent forms to be executed by human subjects and/or patients. Such a disclosure may also be required in a publication resulting from the research.

As to instructional materials, employees who are instructors are responsible for the assignment of such materials for their students. The selection of these materials must be based on academic reasons and not on financial gain for the individual employee, the employee’s spouse or domestic partner or minor child(ren) or the University of Florida. These persons may not receive any financial benefit from materials reflecting general course information or assignments or evaluation materials (such as examinations, quizzes, syllabi and extra credit assignments) used in university courses or other university instructional activities. At the same time, an employee, the employee’s spouse or domestic children or minor child(ren) may benefit from the sale or use of required books, supplies or other resources used in University of Florida courses or other university instructional activities if the following conditions are followed: (i) the department chair and dean or director have approved the arrangement on the Disclosure of Outside Activities and Financial Interests form, and (ii) the materials have been selected for academic reasons independent of any financial gain for the persons involved, are offered at a fair market price, have been adopted for use at other higher education institutions, are the original works or creations of the employee and not a collection of the works of others, are protected by copyright, patent, or trademark, and are published or produced by an incorporated or registered publisher, company, or entity. Their use must not require the user to waive any intellectual property rights.

Finally, recognizing that colleges and departments within the university have unique attributes, a unit may develop guidelines under college auspices 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. For example, the guidelines for employees in the Institute for Food
and Agricultural Sciences are found in UF Regulation 6.015. (Appendix A3; supplemental form, Appendix B3). All such guidelines must be approved by the dean or director of the unit involved and be on file in the offices of the dean, the General Counsel, Research Compliance and the Provost.

3) **Outside activities and financial interests that are generally allowed:**

In general, most other outside activities are allowed if they do not interfere with the employee'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 underscores the importance of the disclosure and discussion of possible conflicts.

**D. Review Procedures and Sanctions**

The following persons must review and approve the activities and financial interests reported on the Disclosure of Outside Activities and Financial Interests form: (1) chairperson, (2) dean or director. (3) Office of Research, if intellectual property rights are to be waived, and (4) Purchasing Services (or other contractual authority), if applicable.

If there are any questions or concerns with regard to a particular disclosure, a conference is encouraged between the faculty or staff member and his or her chairperson or other immediate supervisor.

An employee’s failure to report outside activities and financial interests under university regulations or Article 26 of the UFBOT/UFF collective bargaining agreement, an employee’s engaging in the activities or holding the financial interests without the university’s approval, and an employee’s failing to follow any conditions imposed pursuant to the university’s approval of such activities are grounds for disciplinary action. Examples of sanctions are: disallowance or limiting outside activities, changes in assignment, limitations on research activities, fines, reduction in pay, demotion, written reprimand, suspension without pay, and termination for cause. The employee may be required to turn over to the university all or part of the compensation from an unapproved outside activity. If an activity or interest has not been properly disclosed, the employee may be required to disclose the activity or interest in all subsequent presentations of research results. Finally, as noted in the following section, a violation of the State’s Code of Ethics may be grounds for various penalties imposed under state law.

**E. Other University of Florida Conflict of Interest Policies**

The College of Medicine has promulgated a Policy on Pharmaceutical, Medical Device, and Biotechnology Industry Conflicts of Interest, University of Florida Regulation 5.0764 (Appendix A4). This policy applies to all employees and appointees (“College of Medicine personnel” under the regulation) of the College of Medicine. The policy covers activities and gifts not necessarily covered by UF Regulation 1.011, state law, or federal requirements, and the
requirements of the policy are supplemental to these requirements. The purpose of the policy is to increase transparency respecting interactions between College of Medicine personnel and the pharmaceutical, medical device, biotechnology, hospital and research equipment supply industries (and their representatives) and to eliminate or mitigate conflicts of interest created by these interactions. The detailed policy is available at http://coi.med.ufl.edu/policies/uf-policies/.

Direct support organizations and other affiliated organizations of the university, such as the University of Florida Foundation, Inc., the University Athletic Association, Inc., the University of Florida Research Foundation, Inc., and the Florida 4-H Foundation, Inc., 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 reporting and other requirements of the organization’s conflict of interest policy.

The University of Florida Research Foundation, Inc. (UFRF) may license technologies to commercial enterprises and may take ownership interests in commercial enterprises that license university technology and/or support ongoing research at the university. In such cases, the potential conflicts of the faculty members and other employees involved with the commercial enterprise are handled through the process set forth in section IV(6)(e) of this document. In addition, the University of Florida and UFRF have adopted a "University of Florida-University of Florida Research Foundation, Inc. (UFRF) Institutional Conflict of Interest Policy" to further limit personal conflicts and to mitigate institutional conflicts. The policy is found at Appendix A5.

F. Use of University Equipment, Facilities, and Services

Any use of university equipment, facilities or services with regard to an outside activity must be approved prior to the activity. In general, the use of these resources will be allowed only on a noninterference basis, and a charge may be assessed. The form for this purpose is the Request to Use University Equipment, Facilities, and Services, a copy of which is found at Appendix B6.

IV. CODE OF ETHICS FOR STATE OF FLORIDA EMPLOYEES

In formulating the Code of Ethics for employees and officials of the State of Florida, the Florida Legislature stated that it "is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law." At the same time the Legislature recognized that public officials and state employees should not be "denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided." The Code of Ethics for Public Officers and Employees is designed, therefore, to "protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist."
The Code of Ethics for Public Officers and Employees is set forth in Part III of Chapter 112, Florida Statutes. The Code of Ethics provides standards of conduct for state employees, post-employment restrictions for certain employees, requirements concerning disclosure of financial interests for certain employees, a description of the role of the Florida Commission on Ethics, and penalties and procedures with regard to violations of the standards of conduct. On an annual basis, the Florida Commission on Ethics publishes a brochure entitled "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" that outlines the major provisions of the Code. Further information may be found on the Commission's website at www.ethics.state.fl.us.

The penalties that may be imposed against a state employee for infractions of the Code of Ethics include dismissal from employment, suspension without pay, demotion, reduction in salary, forfeiture of a portion of salary, a civil penalty, restitution of benefits received because of the violation, and public censure and reprimand.

The following list of issues highlights various provisions of the Code of particular importance to members of the University of Florida community. It should not be considered as encompassing all applicable laws or as a substitute for reading the wording of the actual laws.

1) **Misuse of position**

The Code of Ethics prohibits any state employee's corrupt use (or attempted use) of his or her official position to secure a special benefit or exemption for the employee or others.

2) **Use of Information**

A state employee is not permitted to disclose or use information not available to the general public and "gained by reason of his or her official position" for the employee's "personal gain or benefit or for the personal gain or benefit of any other person or business entity."

For example, this provision is critical in evaluating conflicts that might arise in outside consulting arrangements of faculty members. In such consulting, the faculty member may not disclose unpublished research results or university technology not previously made available to the general public to the outside firm.

3) **Gifts and honoraria**

A state employee is prohibited from soliciting or accepting gifts, loans, or anything of value based upon the understanding that the employee's official action(s) or judgment would be influenced by such a gift. Further, an employee or an employee's spouse or minor child(ren) may not accept "any compensation, payment, or thing of value" when such employee knows, "or with the exercise of reasonable care, should know," that it is given to influence official actions of the employee.
Under the university’s Standard of Conduct Regarding Purchases: “It shall be a breach of ethical standards for any employee of the university to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services.”

Certain state employees called "reporting individuals" (or "specified state employees") and "procurement employees," including many who deal with decisions involving the purchase of goods or services, are restricted by law from soliciting and accepting any gifts, as well as honoraria, from certain individuals or entities. A discussion of these restrictions is found in Appendix C of these Guidelines.

Finally, College of Medicine personnel should consult University of Florida Regulation 5.0764 on Pharmaceutical, Medical Device, and Biotechnology Conflicts of Interest for restrictions with regard to gifts from the pharmaceutical, medical device and biotechnology industries. (See Appendix A4.)

4) Doing business with the university, Sections 112.313(3) and 112.3185, Florida Statutes

A state employee acting as a purchasing agent for a state agency, such as the University of Florida, is prohibited from directly or indirectly purchasing, renting, or leasing any real property, goods, or services for the agency from any business entity of which the employee or his or her spouse or child(ren) is an officer, partner, director, or proprietor. If an employee is delegated the responsibility of purchasing realty, goods, or services for the university, the employee is also prohibited from entering into such a transaction with a business entity of which the employee or his or her spouse or child(ren) or any combination of them has a material interest. A "business entity" is defined in the law as "any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state." "Material interest" is defined as "direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity." It should be noted that any University of Florida employee authorized to make purchases with a UF Purchasing Card would be considered a purchasing agent and bound by the restrictions set forth in this paragraph.

Any employee acting in a private capacity may not rent, lease, or sell any realty, goods, or services to the university. An employee is acting in a private capacity if he or she owns a material interest in a business entity from which the university rents, leases, or sells realty, goods, or services, if the employee is an officer or director of a corporation selling or leasing to the university, or if he or she acts as an agent of the business to facilitate a sale or lease to the university. The prohibition does not apply when the employee is not in a position at the university which allows him or her to in any way influence the lease or purchase or regulate the services provided.

It should be noted that the provisions of Section 112.313(3) do not affect or prohibit any contracts that were entered into prior to an employee's employment by the university. Further, as noted below under paragraph (6), the law provides exemptions from these requirements in certain
cases. If an employee discloses a material financial interest or managerial interest which is
allowed as to a particular purchase or contractual arrangement, the employee is responsible for
insuring that a copy of the approved Disclosure of Outside Activities and Financial Interests is
provided to Purchasing Services or to the university unit that is entering into the business
arrangement.

Section 112.3185, Florida Statutes, applies to the procurement of contractual services. It
prohibits an employee "who participates through decision, approval, disapproval,
recommendation, preparation of any part of a purchase request, influencing the content of any
specification or procurement standard, rendering of advice, investigation, or auditing or in any
other advisory capacity in the procurement of contractual services" from becoming an employee
of a person or entity contracting with the university for the provision of these services. This
statute also prohibits a university employee "acting in his or her official capacity" from directly
or indirectly procuring contractual services for the university from "any business entity of which
a relative\(^3\) is an officer, partner, director, or proprietor or in which such officer or employee or
his spouse or child, or any combination of them, has a material interest." The law provides no
exemptions from the prohibitions of this statute.

5) **Conflicting employment and contractual relationships, Section 112.313(7),
Florida Statutes**

A faculty or staff member of the university may not be employed by or have a
contractual relationship with a business entity or a state agency which is "doing business" with
the university. For example, if a business entity sells services or products to the university, it is
doing business with the university. This may preclude a university employee who deals with
such procurement from having a contractual relationship with the company. If the entity enters
into a research agreement with the university, it is "doing business" with the university. This
would preclude a principal investigator from having a contractual arrangement (such as, a
consulting agreement) with the company that also sponsors his university research under a
contract with the university. An exemption for such an agreement may be allowed as set forth in
section IV(6)(e) below.

If the university receives a gift (not a contract) from a private entity, that entity would not
be "doing business" with the university. If the employee provides uncompensated volunteer
services to a not-for-profit entity, that is not considered an "employment or contractual
relationship" with that entity. However, it should be noted that the activity may still present a
conflict and may need to be disclosed under other provisions of the law or university regulations.

\(^3\) "Relative" is defined in the law as anyone related to an employee as “father, mother, son, daughter, brother, sister,
uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half
sister, grandparent, great grandparent, step grandchild, step great grandchild, person who is engaged to be married to
the employee” or who otherwise holds himself or herself out as or is generally known as the person whom the
employee intends to marry or with whom the . . . employee intends to form a household,” or any other person having
the same legal residence as the employee.
If an employee (or an employee’s spouse, domestic partner or other relative) has a material financial interest or a managerial interest in an entity, or the employee has an employment or other contractual relationship with an entity, that proposes to do business with the university and the employee is involved in the procurement or contractual process for the entity or for the university (including but not limited to making recommendations), the employee must inform the university office making the procurement or entering into the contract of his or her financial interest prior to the procurement or the signing of the contract. A determination may then be made whether the procurement and/or contract is allowable under Florida law as well as university regulations. An approved copy of the Disclosure of Outside Activities and Financial Interests form must be filed with university’s Purchasing Services division (with the purchase requisition if a purchase requisition is required) or the contracting authority at the university prior to the purchase being made or the university’s entering into a contract with the entity.

6) Exemptions from Section 112.313(3) and (7)

A transaction otherwise precluded under the prohibition against doing business with one's agency (Section 112.313(3), Florida Statutes) or the prohibition on conflicting employment and contractual relationships (Section 112.313(7), Florida Statutes) may be allowed under one or more of various exemptions provided in the law. The most commonly applied exemptions in the state university setting are:

a) Competitive bid with disclosure to the Florida Department of State

If the contract involved is awarded under competitive bids and the employee or his or her spouse or child has not participated in formulating the bid specifications or determining the lowest or best bidders, and the employee or his or her spouse or child has not used or attempted to use his or her influence to persuade the university to enter into such a contract, the contract may be entered into. Prior to the submission of the bid, the employee must file a statement with the Florida Department of State disclosing his or her interest and/or that of his or her spouse or child and the nature of the intended contract.

b) Certain goods and services; emergency purchases

Other exemptions are made for legal advertising in a newspaper, utilities services, and passage on a common carrier (bus, airplane, train, or the like). An employee may also purchase goods or services "at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency." Also exempted are emergency purchases or contracts which must be made in order "to protect the health, safety, or welfare of the citizens of the state."

c) Transactions of less than $500 in a calendar year

An exemption is also made if the "total amount of the transactions in the aggregate between the business entity and the agency does not exceed $500 per calendar year."
d) **Research, license and related agreements**

An exemption is provided which allows a faculty (or staff) member to be a consultant or be otherwise employed by a company or have an ownership interest in a company that is licensing the faculty member's technology from the university. The exemption also allows a faculty member with an employment or contractual relationship with a business entity or an ownership interest in a business entity to be involved in work on a research contract between the university and the business entity. However, such relationships are allowed only with the prior review of the faculty or staff member's department and college and approval by the applicable Senior Vice President with the final approval by the chair of the University of Florida Board of Trustees or the chair’s designee.

This exemption was passed to facilitate transfer of university-developed technology to commercial enterprises by making possible license agreements and research contracts with business entities with which the faculty member-inventors have employment or other contractual relationships. Technology transfer is an important ancillary result of the university's research and educational efforts. To assure that the primary mission of the university is not compromised, however, an employee's outside activities with regard to transfer of the university's technology or university research must be disclosed and approved.

The procedures for requesting the research and license exemption are set forth in Appendix B7 (Request for Exemption under Section 112.313(12)(h), Fla. Stat.) of these Guidelines. In granting the request, the university's interests in protecting the educational progress of students, the integrity of research, the dissemination of research results, the appropriate evaluation of employees, and the use of university equipment and personnel will be examined closely. In general, the faculty or staff member will be granted the exemption only with his or her agreement to follow certain conditions which allow for appropriate oversight. Please refer to Appendix B8 for a monitoring plan template that is used to assist in the formulation of these conditions. If the exemption is approved, the faculty or staff member's department and college must make significant commitments to the oversight process.

7) **Disclosure of Financial Interests and Post-Employment Restrictions, Sections 112.3145, 112.313(9), and 112.3185, Florida Statutes**

Certain state officers and public employees ("reporting individuals") are required to disclose certain financial interests on an annual basis. Reporting individuals include: the university's president and vice presidents, legal counsel, business managers, purchasing agents (persons with signatory authority for contracts) having the power to make any purchase exceeding the Category One threshold amount (currently $20,000), finance and accounting directors, personnel officers, and deans. A list of "reporting individuals" is provided by the university to the Commission on Ethics on an annual basis. Prior to June 1 of each year, these persons are mailed a copy of Form 1, which indicates the required financial disclosures. The form must be filed with the Commission on Ethics by July 1. New employees in these positions must file within thirty days from the date of appointment. Upon leaving employment a Form 1F must be filed. A fine is imposed if the form is not filed in a timely manner.
Reporting individuals must also abide by restrictions on gifts, honoraria, and lobbyist “expenditures.” Other employees involved in the procurement process (“procurement employees”) are also restricted in their receipt of gifts and honoraria. Please refer to Appendix C.

Certain university employees are prohibited from personally representing another person or entity for compensation before the university for a period of two years after leaving their positions (unless employed by another state agency). Employees bound by this restriction include the president, vice presidents, and deans.

Any former employee is barred from having an employment or other contractual relationship with any business entity in connection with a contract in which the employee participated personally and substantially by recommendation or decision when he or she was a university employee. A former employee is also prohibited from having any employment or contractual relationship for two years with any business entity in connection with a contract for services which was within his or her responsibility while serving as a university employee.

V. CONCLUSION

The outside activities of University of Florida faculty and staff members are often of great value to the community as a whole and further the mission of the university. They also may serve important personal interests. These activities are of concern to the university when they interfere with the faculty member or staff member's obligations to the university. Indeed, all members of the University of Florida community must be concerned that the university's mission not be compromised through the outside activities and interests of its faculty and staff members. Thus, the university's policies and procedures are designed to encourage allowed activities while providing for the disclosure, review, and oversight, if needed, of activities in which conflicts might occur. The primary responsibility for compliance and for furtherance of these goals rests with the individual faculty or staff member.
1.011 Disclosure and Regulation of Outside Activities and Financial Interests.

(1) General Requirements.

(a) All employees of the University of Florida must be committed to the University's goals of teaching, research, and service and recognize that their primary professional responsibility is to the University. Faculty and staff members may participate in outside activities and hold financial interests as long as the activities and interests do not violate any state or federal law or regulations, including but not limited to this regulation, and such activities and interests do not conflict with their duties and responsibilities to the University. All University employees, which includes Academic Personnel (AP), Technical, Executive, Administrative, and Managerial Support (TEAMS) employees, University Support Personnel System (USPS) employees, and Other Personnel Services (OPS) employees, are responsible for the full and faithful performance of their professional or institutional responsibilities and obligations.

(b) All University employees are bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part III, Fla. Stat.), the advisory opinions rendered with respect thereto, other federal and state law, and the Regulations of the University of Florida, including but not limited to this Regulation 1.011.

(c) No employee shall solicit or accept anything of value that is based upon an understanding that the official action or judgment of the employee would be influenced thereby.

(d) No employee shall have an employment or contractual relationship or engage in a business or personal activity that will create a continuing or frequently recurring conflict between that employee's private interest and the performance of the employee's official duties.

(e) An employee engaging in an outside activity must take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is
engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.

(2) Definitions.

(a) "Outside activity" shall mean any private practice, private consulting, employment, teaching, research, business (including managerial interests or positions), or other activity, compensated or uncompensated, which is not part of the employee's assigned duties and for which the University provides no compensation.

(b) "Conflict of interest," shall mean:
1. any conflict between the private interests of the employee and the public interests of the University of Florida or the State of Florida, including conflicts of interest specified under Florida Statutes; or
2. any outside activity or financial interest which interferes with the full and faithful performance of the employee's professional or institutional responsibilities or obligations, including but not limited to conflicts of commitment.

(c) “Entity” or “entities” shall mean any for-profit or not-for-profit entity, any public agency, any individual, or any client.

(3) Activities and Financial Interests To Be Reported.

(a) The following outside activities and financial interests must be reported prior to engaging in the activity or acquiring the financial interest:
1. Outside activities in which there is more than an incidental use of University facilities, equipment, and/or services.
2. Outside 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, evaluates or serves in a formal advisory role for the student or other employee at the University.
3. Management, employment, consulting, and other contractual activities with, or ownership interest in, any entity (other than the University) that may enter into a business or other contractual transaction with the University. In the case of material financial and managerial
interests, the information required extends to the spouse and/or children of the employee, and for managerial interests, to relatives. These disclosures must include a statement of whether any contractual, service or other business relationship exists or is contemplated with the University to the employee’s knowledge.

a. Material financial interest is defined as direct or indirect ownership of more than five (5) percent of the total assets, capital stock, ownership, or voting interest of an entity.

b. Managerial interest includes serving as an officer, director, partner, proprietor, etc. of an entity.

c. If the entity with which the employee has an employment, contractual or other business relationship or in which the employee, the employee’s spouse, domestic partner and/or children have an ownership interest wishes to enter into a licensing or research agreement with the University or with the University of Florida Research Foundation, Inc., an exemption allowing such an agreement may be approved by the President or the President's designee and the Chair of the Board of Trustees. Application for this exemption is made through the Office of Research.

d. If the employee has an employment, business or contractual relationship, a material financial interest or a managerial interest, concerning an entity that may enter into any business transaction with the University, the employee must disclose the interest to Purchasing Services, and the interest must be allowed and approved by Purchasing Services, in consultation with the Office of the Vice President and General Counsel, prior to any business transaction between the entity and the University.

4. Management, employment, consulting, and other contractual activities with, or ownership interest in, an entity which competes with the University.

5. Candidacy for or holding a public office.

6. Required use of books, supplies, or other resources at the University of Florida when they are created or published by the employee, or the employee’s spouse or domestic partner or minor child(ren), or by an entity in which the employee, or the employee’s spouse or domestic
partner or minor child(ren) has any financial or managerial interest, if more than $500 is received or expected to be received annually by any or all of them individually or in the aggregate, directly or indirectly, or through the entity in which they have a financial or managerial interest, from the sale, assignment, license or use of such books, supplies or other resources by the employee, spouse, domestic partner, minor child(ren), and/or the entity in which there is a financial or managerial interest.

7. Professional compensated activities, including but not limited to honoraria, consulting, teaching at another institution, and employment as an expert witness.

8. Service on the board of directors or board of trustees or as an officer, or other management interests or position, with an entity.

9. Any outside compensated employment.

10. Any employment, contractual relationship, or financial interests, including intellectual property rights, of the employee which may create a continuing or recurring conflict between the employee's interests and the performance of the employee's University responsibilities and obligations, including time commitments. This includes any outside activity in which the employee is required to waive rights to intellectual property.

   (b) Any employee submitting a federal, state or other government grant or contract proposal or conducting research or educational activities pursuant to a federal, state or other governmental grant or contract must adhere to the applicable requirements of the funding agency, including those involving the disclosure and regulation of outside activities and financial interests. In addition to the disclosure requirements set forth in section (4) of this regulation, all required disclosures for federal, state or other governmental contracts and grants must be made to the Division of Sponsored Research in accordance with applicable federal, state or other governmental requirements.

   (c) Outside activities which the employee should conclude may create an actual or apparent conflict of interest, including conflict of time commitments, which are otherwise not
required to be reported under paragraphs (3)(a) or 3(b) above must be reported as soon as practicable.

(d) The selection and use of instructional materials in which the employee, the employee’s spouse or domestic partner or minor child(ren) has a financial interest are subject to the following guidelines.

1. Employees who are instructors are responsible for the assignment of instructional materials, such as textbooks and other academic materials, for use by their students. The selection of these materials must be made for academic reasons and may not be based on financial gains for the individual employee, the employee’s spouse or domestic partner or minor child(ren) or the University.

2. An employee, the employee’s spouse or domestic partner or minor child(ren), and an entity in which the employee or the employee’s spouse or domestic partner or minor child(ren) has a financial interest may not receive a financial benefit from materials reflecting general course information or assignments or evaluation materials used in University of Florida courses or other University instructional activities. Examples of such materials are exams, quizzes, syllabi and extra credit assignments.

3. If an employee, the employee’s spouse or domestic partner or minor child(ren) may financially benefit from the sale or use of required books, supplies, or other resources, these materials may be required only under the following conditions:

   a. The department chair and dean or director have approved such an arrangement on the University’s Disclosure of Outside Activities and Financial Interests, submitted by the employee, and

   b. The materials have been selected for academic reasons independent of any financial gain for the persons and entities described, are offered at a fair market price, have been adopted for use at other higher education institutions, been through a peer review process, are the original works or creations of the employee and not a collection of the works of others, are protected by copyright, patent, or trademark, and are published or produced by an incorporated or registered
publisher, company, or entity. Their use may not require the user to waive any intellectual property rights.

(e) The reporting requirements of this regulation shall apply to full-time and part-time employees. Unless otherwise required under federal, state or other governmental grant regulations, the reporting requirements shall not apply to activities performed wholly during an interval of the year in which the employee is assigned no professional or institutional responsibilities and obligations by the University.

(4) Disclosure and Approval Procedures for all University employees.

(a) The University's form entitled, "Disclosure of Outside Activities and Financial Interests" shall be filed with the President or designee, who shall normally be a dean, director, or vice president. The form may be obtained online at http://www.aa.ufl.edu/online-forms. Disclosures must be completed and filed at the beginning of employment, renewed at the beginning of each 12-month or 9-month appointment period, prior to such time as the outside activity or financial interest begins, or at such time as disclosure is required under applicable federal, state or other governmental grant requirements. If a material change in the information presented occurs at any time, a new disclosure is required. The following information is required as to each outside activity or financial interest reported:

1. Name of employing entity, client or other recipient of services, or name of entity in which the financial interest is held, and nature of its business. In the case of service as an expert witness or representation of a party in a lawsuit, the party represented by or employing the expert must be identified along with all other parties involved in the matter.

2. Source of compensation, including client fees.

3. Involvement of students and other employees in the activity, employing entity, or entity in which the financial interest is held.

4. Nature or type of activity or financial interest (description of equity interest or intellectual property), including time spent if an activity is involved (estimated hours per week including travel).
5. Location and anticipated dates of activity.
6. Any conditions of the activity which involve waiving or impairing the employee's or University's right to intellectual property.
7. Use of University equipment, facilities, or services in connection with the activity.
8. Number of outside activities and financial interests filed for the current contractual year.
9. Prior reporting of the activity or financial interest in the previous contractual year, if applicable.
10. Any other documentation necessary to determine the nature and extent of any actual or potential conflict of interest.

(b) If there are any questions regarding a potential conflict of interest, the employee should discuss the activity or financial interest with his or her chairperson or immediate supervisor, or designee of the Dean of the college or Director of the unit.

(c) If the Dean or Director or designee finds that the proposed outside activity or financial interest is a prohibited conflict of interest or a conflict of interest that may be permitted only with conditions, the employee shall be notified promptly of the decision that he or she may not engage in the proposed activity while employed at the University or of the conditions under which the outside activity or financial interest may be permitted.

(e) Authorization for an outside activity or financial interests is granted for a specific period of time, not to exceed one (1) year ending June 30th. If the outside activity is to extend beyond June 30th, a new Disclosure of Outside Activities and Financial Interests must be submitted prior to July 1 of each year for the new fiscal-year period. If the outside activity or financial interest is permitted with conditions, the employee is required to adhere to the conditions during the period that the activity or financial interest is authorized.

(f) Academic Personnel are required to indicate annually as part of the effort reporting process whether they are involved in outside activities or have financial interests required to be reported under this regulation. USPS and TEAMS employees are required to indicate on their
annual Performance Evaluation form whether they are involved in outside activities or have a financial interest required to be reported under this regulation. OPS employees shall follow the reporting procedure as outlined in this regulation. If the answer is affirmative, the employee must submit the Disclosure of Outside Activities and Financial Interests as required in this regulation.

(5) Disclosure and Approval Procedures for Additional University Compensation. Any employee who wishes to engage in additional employment in excess of one (1) full-time equivalent position at the University or who receives compensation as a University employee simultaneously from salaries appropriations and any appropriation other than appropriations for salaries must submit a Request for Approval of Additional University Compensation, which may be obtained online at http://www.aa.ufl.edu/online-forms, to the appropriate administrative officials and obtain approval prior to engaging in such activity. A copy of this form may be obtained in the college or unit administrative offices. No “Disclosure of Outside Activities and Financial Interests” need be filed for the activity as the secondary employment is within the University of Florida and the completion of the “Request for Approval of Additional University Employment” form fulfills the employee’s obligation to report. An exception to this procedure is employment by the University Press of Florida (UPF). Approval of UPF employment is granted by the President or designee, and such approval, which is submitted by the UPF to the Office of the Provost, fulfills the employee’s obligation to report the activity.

(6) Procedure for Requesting Use of University Resources. If an employee has the University's approval to engage in outside activity, the employee may request approval for the use of University equipment, facilities, or services in connection with the outside activity. The University must approve the use in advance. The employee must request such approval by completing and submitting the University's form entitled Request to Use University Equipment, Facilities, and Services in Conjunction with Non-University Outside Activity, which may be obtained online at http://www.aa.ufl.edu/online-forms. The form should be attached to the
Disclosure of Outside Activities and Financial Interests. The use of any of these resources will be allowed only on a non-interference basis, and there may be a charge for such use.

The changes to this regulation shall be effective August 24, 2012.

Authority: BOG Regulation 1.001.

Law Implemented: 112.313, 112.3185, FS.

History--New 5-28-80, Formerly 6C1-7.391, Amended 3-6-85, Formerly 6C1-1.11, Amended 3-2-87, 5-21-89, 7-11-94, 4-30-95, 12-12-95, 6-28-98, 6-21-00, 5-22-01, 1-7-03, 7-5-04, Formerly 6C1-1.011, Amended 3-17-11, 6-8-12.
ARTICLE 26
OUTSIDE ACTIVITY AND CONFLICT OF INTEREST

26.1 Policy.
   (a) The University and the UFF recognize that outside employment, consulting, and other similar activities may further the dissemination and use of the faculty member’s knowledge and expertise and may also advance the professional competence and reputation of the faculty member. Thus, participation in outside activities often serves the mission of the University in addition to benefiting individual faculty members, and faculty members may participate in outside activities and hold financial interests as long as the activities and interests do not conflict with their duties and responsibilities.

   (b) All employees of the University are bound to observe, in all official acts, the standards of ethics set out in the Code of Ethics for Public Officers and Employees of the State of Florida (Chapter 112, Part III, Florida Statutes) and the advisory opinions rendered with respect thereto. Other provisions of laws and regulations of the State of Florida govern obligations and responsibilities of faculty members who receive State compensation in addition to their annual salary.

   (c) A faculty member may engage in outside activity, including employment, provided that the activity is in accordance with law and this Article.

   (d) This Article shall not be used to deny or retaliate for the legitimate exercise of rights protected by this Agreement, including but not limited to the rights protected by Article 10, Academic Freedom and Responsibility, and Article 22, Intellectual Property.

26.2 Definitions.
   (a) “Outside Activity” shall mean any private practice, private consulting, additional teaching or research, financial interest, or other activity, compensated or uncompensated, that is not part of the faculty member’s assigned duties and for which the University has provided no compensation where the activity:

      (1) involves more than incidental use of University facilities, equipment, or services;

      (2) involves a student or University employee who is directly or indirectly supervised by a faculty member if the faculty member supervises or evaluates the student or employee;

      (3) involves management, employment, consulting, or other contractual activities with, or ownership or other financial interests in, an entity that does business with the University, by the faculty member, spouse, or child of the faculty member;

      (4) involves management, employment, consulting, and other contractual activities with, or an ownership or other financial interest in, a business that competes with the University;

      (5) involves candidacy for or holding a public office;

      (6) requires the use of books, supplies or other instructional resources at the
University where they are authored or published by the faculty member or an entity in which the faculty member has an ownership or other financial interest;

(7) is a professional, compensated activity, including but not limited to acceptance of honoraria in excess of travel expenses, teaching at another institution, or service as an expert witness;

(8) is a business activity, including but not limited to service on the board of directors or other management, ownership or other financial interest or position, with regard to a business in the same discipline, or field in which the faculty member is employed; or

(9) is any other employment, contractual relationship, or financial interest, including intellectual property rights, of the faculty member which may create a continuing or recurring conflict between the faculty member’s interests and the faculty member’s public responsibilities and obligations, including time commitments.

(b) “Conflicts of Interest,” which can be either permissible or impermissible, shall mean (1) any “outside activity,” as defined in Section 26.2(a) above, that interferes with the full performance of the faculty member’s professional or institutional responsibilities or obligations; or (2) any employment, contractual relationship, other activity, or financial interest that creates an unlawful conflict between the faculty member’s private interests and the faculty member’s duties and responsibilities. Certain financial interests and outside activities of a spouse, domestic partner, child, or other relative may be prohibited under Florida or Federal law or this Article.

(c) An “investigator” shall mean the principal investigator, co-principal investigator, or any other employee responsible for the design, conduct, or reporting of the proposed or funded research or educational activities.

26.3 Outside Activity and Conflicts of Interest. Conflicts of Interest as defined in Section 26.2(b), above, are prohibited unless allowed by law and this Article, or permitted by the University and properly monitored.

(a) Faculty members are responsible for resolving such conflicts of interest, working in conjunction with their supervisors and other University officials.

(b) In cases where a conflict is otherwise permitted by the University, the faculty member may be required to enter into a reasonable and appropriate monitoring plan to manage the conflict.

(c) Requirements that a faculty member waive the faculty member’s or University’s rights to any work or inventions that arise during the course of any outside activity must be specifically approved by the University in conjunction with the approval of the outside activity.

(d) A faculty member who proposes to engage in outside employment shall furnish a copy of Article 22, Intellectual Property, and the University’s Intellectual Property Policy to the outside employer prior to or at the time a consulting or other agreement is signed, or if there is no written agreement, before the employment begins.
26.4 Report of Outside Activities that are Potential Conflicts of Interest. If a faculty member proposes to engage in any outside activity as defined in Section 26.2(a) above or receives any financial interest from engaging in any compensated professional activity described in subsection (a)(1), below, the faculty member shall make a written report to the faculty member’s chair or equivalent supervisor of the details of such proposed activity prior to engaging therein. Such reports must be submitted prior to engaging in the activity and must be reviewed and approved by the University’s designee or designees.

(a) The report shall be made on the Disclosure of Outside Activities and Financial Interests Form shown in Appendix “G” or prior to engaging in the activity, which includes but is not limited to receiving a financial interest. The disclosure shall include the name of the employer or other recipient of services; the funding source; the location where such activity shall be performed; the nature and extent of the activity, which shall include the nature and extent of any financial interest; any intended use of University personnel, facilities, equipment, or services; any conditions of the activity that involve waiving or impairing the faculty member’s or University’s right to intellectual property; and whether there has been approval of the activity or financial interests in a previous year. For each activity disclosed, other information may be required in order to completely review the activity if there are potential conflicts involved.

(1) The following activities among others could, in some cases, represent a conflict of interest and must be reported prior to engaging in the activity:
   a. Assuming an executive or managerial position or ownership in a for-profit business that may be in a business relationship with the University.
   b. Administering a grant outside the University that the faculty member would ordinarily conduct under the auspices of the University.
   c. Establishing a relationship as a salaried employee or independent contractor outside the University with an entity that is in a business relationship with the University.
   d. Requiring students in a University of Florida course to purchase a product from which the faculty member, the faculty member’s spouse or domestic partner or minor child receives a financial interest.
   e. Performing compensated teaching or research at another university while employed as a full-time faculty member at the University of Florida.

(2) The following professional activities, if not prohibited by law, do not need to be reported as an outside activity:
   a. Developing scholarly communications in the form of books or journal articles, movies, television productions, and similar works, even when such activities result in financial gain.
   b. Accepting scholarly or artistic prizes.
   c. Providing expert testimony in administrative, legislative, or judicial proceedings without compensation and as an individual and when the faculty member’s duties to the University, including students, will not be compromised.

(3) The following professional activities, if not prohibited by law, also do not need to be reported as an outside activity so long as no compensation is received.
a. Acting in an editorial capacity for a professional journal; reviewing journal manuscripts, book manuscripts, grant or contract proposals, providing academic peer review of course materials, program/curriculum reviews, or tenure or promotion cases, or serving as a committee member or as an officer of a professional or scholarly society.

b. Attending and presenting talks at scholarly colloquia, workshops, and conferences.

(b) A faculty member submitting a federal grant or contract proposal or conducting research or educational activities as an investigator pursuant to such a grant or contract must, at the time the proposal is submitted, report outside activities and financial interests (including activities and interests of the investigator’s spouse/domestic partner or dependent children) that would reasonably appear to be affected by the proposed or funded research or educational activities, including interests in entities that would be so affected.

(c) A faculty member may assume tacit approval unless written disapproval is issued within thirty (30) days of filing the written disclosure with the faculty member’s chair or equivalent supervisor unless other information has been required of the faculty member under Section 26.4(a), the faculty member is working in conjunction with supervisors and other University officials in determining whether a conflict exists under Section 26.3(a), and/or the faculty member and supervisor and other University officials are formulating a monitoring plan under Section 26.3(b). If it is later determined that the activity represents an impermissible conflict of interest, the faculty member must cease the activity, except as provided in Section 26.8(b).

(d) For outside activity previously reported, a new report shall be submitted at such time as there is a significant change in an activity or financial interest (nature, extent, funding, etc.).

(e) The reporting provisions of this section shall not apply to activities performed wholly during a period in which the faculty member has no appointment with the University of Florida.

(f) Any outside activity that falls under the reporting provisions of this Article and in which the faculty member is currently engaged but has not previously reported, shall be reported and shall conform to the provisions of this Article.

26.5 Faculty-Created Course Materials. The University and the UFF acknowledge that under law faculty members may benefit financially from their intellectual property, including but not limited to instructional materials assigned for use by their students. If, in a University of Florida course or program, a faculty member requires use of instructional materials or other resources in which that faculty member or the faculty member’s spouse/domestic partner or dependent child has a financial interest, the following conditions shall apply:

(a) The faculty member shall report on the Disclosure of Outside Activities and Financial Interests Form shown in Appendix “G” the required use of books, supplies, or other
instructional resources at the University when there is a financial benefit to the faculty member or the faculty member’s spouse or domestic partner or minor child. Such required materials or resources must

(1) be selected for academic reasons independent of any financial gains for the individual faculty member;

(2) be the original work of the faculty member and not solely a collection of the works of others;

(3) be offered at the fair market price; and

(4) be under copyright, patent, or trademark, and published or produced by an incorporated or registered publisher, company, or entity and their use does not require the user to waive any intellectual property rights.

(5) be adopted consistent with the Florida Code of Ethics for Public Officers and Employees and the 2009 Board of Governors Regulation 8.003.

(b) Such required materials or resources also must not include sale, separate from the textbook or workbook, of exams, quizzes, required assignments, extra-credit assignments, and other general course information and evaluative materials that are customarily available in the textbook or workbook or are customarily made available to students free of charge.

(c) The faculty member, the faculty member’s spouse or domestic partner or dependent child may receive no financial benefit from instructional materials and other resources the faculty member assigns that have not been adopted for use in the national higher education market unless the use of the materials best serves the academic interests of the class under the circumstances.

(d) All students must be provided with a free copy of the course syllabus that includes an accurate description of the course materials and clearly indicates which materials are required and which are recommended for the course as well as details about exams and other assignments, how grades will be assigned, and any attendance policy.

(e) If, upon the disclosure by the faculty member, the conditions in Sections 26.5(a)–(c), above, are satisfied, then the required use of instructional materials in which the faculty member has a financial interest shall not be interpreted to be an impermissible conflict of interest.

26.6 Determining Whether a Conflict of Interest Exists.

(a) If any questions regarding a potential conflict of interest arise, the immediate supervisor should bring the matter to the attention of the faculty member involved as soon as possible so that it can be determined whether an impermissible conflict of interest exists.

(b) In the course of determining whether a conflict of interest exists, the faculty member should consult this Agreement and work in conjunction with supervisors and other University officials.
(c) If the University or designee finds, following such discussion, that the outside activity represents an impermissible conflict of interest, the University or designee shall promptly notify the faculty member in writing of the decision that the faculty member is violating this Agreement and therefore may not engage in the activity while employed at the University or of the conditions under which the outside activity or financial interest may be permitted under this Agreement, if any.

26.7 A faculty member may request an advisory opinion from the Florida Commission on Ethics ([http://www.ethics.state.fl.us/](http://www.ethics.state.fl.us/)) about how Art. II, Sec. 8, Fla. Constitution, or the Florida Code of Ethics applies to the faculty member’s situation.

26.8 Grievance Procedure.

(a) In the event the proposed outside activity is determined to constitute an impermissible conflict of interest, and the faculty member disagrees with that determination, the faculty member may file a grievance under the grievance procedure contained in Article 28, Grievance Procedure and Arbitration.

(b) The faculty member may engage in such outside activity pending a resolution of the matter under Article 28, Grievance Procedure and Arbitration. Engaging in such outside activity in such circumstances does not insulate the faculty member from any penalties imposed under Florida or federal law if such activity is prohibited under applicable law.

(c) If the resolution of the matter is that there is an impermissible conflict of interest, the faculty member shall cease such activity immediately and, if allowed by law, the University may require the faculty member to turn over all or part of compensation earned there from.

26.9 Use of University Resources. A faculty member engaging in any outside activity shall not use the facilities, equipment, or services of the University in connection with such outside activity without prior approval of the University or designee. Approval for the use of University facilities, equipment, or services may be conditioned upon reimbursement for such use.

26.10 No University Affiliation. A faculty member engaging in outside activity does so as a private citizen and shall not represent himself or herself to the outside employer or other recipient of services as engaging in such outside activity as an employee, agent, or spokesperson of the University except when specifically authorized in writing by the University to do so.
6.015 Outside Activity Guidelines.

(1) Permission to accept outside employment or to engage in private business activities is subject to the conditions, limitations, or restrictions outlined in University of Florida Regulation 1.011. The following guidelines have been developed to assist Institute of Food and Agricultural Sciences (IFAS) faculty members and administrators in evaluating the appropriateness of certain outside activities with regard to the particular concerns and goals of IFAS.

(2) Faculty may be involved in outside activities in which they have a financial interest under conditions set forth in University of Florida Regulation 1.011 and this regulation. In general, involvement in such activities should not exceed an average of one (1) day (eight (8) hours) per seven (7)-day week or fifty-two (52) days in a fiscal year. These fifty-two (52) days may be taken as vacation leave, official time, weekends, or holidays. Participation in these activities cannot conflict with University duties, responsibilities, or obligations. Other professional outside activities that do not involve personal financial interests must also be disclosed to ensure that no conflict exists with University duties, responsibilities, or obligations. Any outside activities must be of such character as not to damage in any way the prestige of IFAS or the University of Florida.

(3) When approval for outside employment activity is obtained by the faculty member under this regulation, accrued vacation leave must be used when regular work hours are involved unless the use of official time is specifically approved.
(4) Consulting conditions, limitations, or restrictions which apply when performing outside employment, including services as an expert witness whether or not a fee is to be paid for the services, provided the faculty has been subpoenaed, are as follows:

(a) Consulting within and outside of the United States will be performed only after appropriate administrative approval has been granted.

(b) Limited amounts of consulting work on official time may be permitted; however, decisions will depend upon the nature of the activity and the extent to which the activity is expected to contribute to the professional development of the individual or to the overall interest of the University. Justification for use of official time must be provided and related to the specific professional responsibilities of the faculty member.

(c) Consulting within the State of Florida, though not prohibited, is highly restricted and must not in any way conflict or compete with the normal services of IFAS. Generally, before consulting within the State of Florida will be authorized, the following conditions must be met:

1. The appropriate unit administrator must certify in writing with supporting documentation that the requested services are above and beyond those which can be provided through the normal resources and programs of IFAS.

2. The individual or organization requesting the services must indicate in writing that he or she or its representative fully understands that the services requested are beyond what IFAS could be expected to render and that he or she or its representative is willing to pay for these services.

3. The requested services to be performed within the State of Florida must not be those that could be performed by recognized professional consulting services within the State of Florida.
(5) Expert witness service, like other forms of consulting, is an outside activity. To avoid the appearance of “taking sides,” IFAS policy is that its faculty and administrative and professional Technical, Executive, Administrative and Managerial Support (TEAMS) employees are not to act as expert witnesses in the State of Florida unless subpoenaed to provide objective science-based information without compensation, other than travel related expense reimbursement. Employment as an expert witness on a legal matter outside the State of Florida can be permitted as long as there is no likely adverse impact on IFAS operations and mission and such service is otherwise allowed under University regulations and state law.

(6) An IFAS faculty member is not permitted to engage in any outside activity involving a personal financial interest in which intellectual property rights to inventions and works are not retained by the University of Florida pursuant to University of Florida Regulation 1.018.

(7) Whenever another college requests the time of a faculty member, a written request for this time is made to the University of Florida through the individual who is being asked to perform the function. If the subject is related to the IFAS mission, such an activity is generally not approved as an outside activity. However, if the individual faculty member wishes to perform the teaching function requested by the college; if work load adjustments are possible; and if the request is granted appropriate administrative approval, the teaching load would become a part of the regular responsibility of the faculty member during the period of involvement. The college must reimburse IFAS for the time devoted to the teaching function. If the subject matter of the class is outside the IFAS mission, the request will be considered as any other outside activity.

Authority: BOG Regulation 1.001.

Law Implemented 112.313, 112.3185 FS.
5.0764 College of Medicine Policy on Pharmaceutical, Medical Device, and Biotechnology Industry Conflicts of Interest

(1) Definitions. The following definitions apply to this regulation:

(a) “COM” means the University of Florida College of Medicine in Gainesville (the “COM-GNV”) and the University of Florida College of Medicine in Jacksonville (the “COM-JAX”).

(b) “COM personnel” means any employee or appointee of the University of Florida (whether full-time, part-time or courtesy), including but not limited to Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS), University Support Personnel System (USPS), and Other Personnel Services (OPS) employees, who has a COM appointment. Academic Personnel are defined in University of Florida Regulation 7.003 and include without limitation faculty members, residents, fellows, graduate assistants and post-doctoral associates.

(c) “Gifts” mean anything accepted by COM personnel, or by another person on behalf of the COM personnel, when equal or greater payment is not given within 90 days of receipt. Gifts include, without limitation, food or beverages, transportation, lodging, parking, membership dues, admission fees, flowers, personal services, preferential rates or terms on a debt, loans, goods or services, forgiveness of a debt, and the use of real property. Any prohibition against gifts does not extend to gifts from a relative.
(d) “Industry” means pharmaceutical, medical device, biotechnology, hospital and research equipment supply industries and their representatives.

(e) “Industry-COM Conflict of Interest Committee” or “CIC” means the Industry Academic Relations Committee for COM personnel under the jurisdiction of the COM-GNV or the JAX Industry COM Conflict of Interest Committee for COM personnel under the jurisdiction of the COM-JAX. The compositions of the committees as well as the committee’s designees for any purposes set forth in this regulation are as set forth on the committees’ website at http://coi.med.ufl.edu/contact-us/industry-academic-relations-committee/ and http://www.hscj.ufl.edu/medicine/administrative-affairs/conflict-of-interest.asp.

(f) “On-site” means facilities and grounds owned, operated or controlled by the University of Florida, the COM, or any affiliated patient-care facility.

(g) “Off-site” means facilities and grounds that do not fall under the definition of “On-site.”

(h) “Relative” means the spouse, domestic partner or fiancé of a COM personnel as well as the father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, grandfather, grandmother, great-grandfather, great-grandmother, grandchild, great-grandchild and the spouse, domestic partner, or fiancé of any of them, or any other natural person living in the same household as the COM personnel.

(i) “Speaker Bureaus” means any speaking engagement in which COM personnel are speaking on behalf of Industry as determined by the terms, conditions and intent of the agreement with the COM personnel when the following conditions apply: (i) the speech is not completely original to the COM personnel and all or part of the speech content is provided or dictated by or
on behalf of Industry-- or (ii) the content of the speech is subject to Industry approval.

(2) Introduction. COM personnel must pay particular attention to potential conflicts of interest in connection with Industry in order to protect the integrity of professional judgments and to preserve public trust in physicians, researchers, and academic medical institutions.

(3) Applicability of Policy. The COM Policy on Pharmaceutical, Medical Device, and Biotechnology Industry, Conflicts of Interest (“COM Industry Conflicts Policy”) applies to all COM personnel. The policy is supplemental to and does not supersede the University of Florida’s policy regarding the disclosure of outside activities, financial interests and conflict of interest, which is applicable to all University of Florida employees as set forth in University of Florida Regulation 1.011.

(4) General Statement of Policy

(a) The goal of the COM Industry Conflicts Policy is to increase transparency respecting Industry interactions and to eliminate or mitigate conflicts of interest created by these interactions. All interactions between COM personnel and Industry must be consistent with the policy.

(b) All COM personnel must become familiar with the COM Industry Conflicts Policy and are expected to understand and adhere to it.

(5) The COM Industry Conflicts Policy covers the following gifts and activities and, as in effect at any particular time, is more fully set forth at http://med.ufl.edu/admin/UF_COI_Policy_2011.pdf. To the extent of any conflict or ambiguity between this or another University Regulation and the policy posted at the referenced Web site, this and other University Regulations shall govern. It shall not be a conflict, however, that the
posted policy merely imposes additional requirements and provides additional detail.

(a) COM personnel may not accept gifts from Industry regardless of the monetary value of the gift unless such a gift is specifically allowed under the COM Industry Conflicts Policy.

(b) COM personnel may not accept pharmaceutical samples and educational materials from Industry unless their acceptance is specifically allowed under the terms and conditions of the COM Industry Conflicts Policy.

(c) On-site access by Industry is restricted to areas open to the general public unless otherwise allowed under the COM Industry Conflicts Policy.

(d) Participation by COM Personnel in Continuing Medical Education (CME) and other educational activities is allowed only under the conditions set forth in the COM Industry Conflict Policy. The policy applies to both on-site and off-site educational activities and any training for or by Industry.

(e) COM Personnel participation in Industry-sponsored speakers bureaus is prohibited.

(f) Food/Entertainment

1. COM personnel may not accept meals or any other gifts of food for themselves or others if sponsored or provided by Industry unless allowed by the COM Industry Conflicts Policy. The Policy applies to both onsite and offsite food or entertainment.

2. Industry requesting to support the educational mission of the COM may provide educational grants and gifts to the University. Such grants and gifts will be placed in an appropriate University or University of Florida Foundation, Inc. account and monitored and
distributed pursuant to applicable University and University of Florida Foundation, Inc.

regulations, policies and procedures.

(g) No Ghostwriting. The professional presentations, books, articles, reports, or other
materials, oral or written, of COM personnel must have appropriate authorship attribution.

(h) Scholarships/Fellowships. COM personnel may not accept scholarships or
fellowships to support training initiatives from Industry. Scholarship and fellowship funds from
Industry may be provided to the University of Florida or the University of Florida Foundation,
Inc. as appropriate. Any such contribution or grant will be reviewed by the CIC or by the CIC’s
designee. There shall be no quid pro quo associated with such funding.

(6) Disclosure and Notification.

(a) Outside activities and financial interests must be reported pursuant to the
requirements of University of Florida Regulation 1.011. COM personnel who have no outside
activities or financial interests to report are required to provide an annual attestation to that
effect.

(b) COM personnel who present formal lectures to students or residents of the
University of Florida must disclose at any presentation all outside activities, financial interests
and relationships with Industry that relate directly or indirectly to the subject matter of the
presentation. Disclosures of such interests may be expected in other circumstances, such as to
other COM personnel (including but not limited to residents and other trainees) and patients.

Authority: BOG Regulation 1.001.

History: New 6-8-12.
A. Introduction:

This policy deals with the institutional conflicts of interest that may arise when the University of Florida Research Foundation, Inc. (“UFRF”): (1) holds an equity or other ownership interest (“equity” herein) in a commercial enterprise and that enterprise has an ongoing research relationship with the University of Florida (“University”), and/or (2) has entered into a license or other agreement conveying an interest in University-developed intellectual property (“license agreement” herein) with a commercial enterprise and that enterprise supports research involving the specific licensed technology at the University. UFRF, the Office of Research and academic units at the University (along with inventors) may receive future financial rewards by way of royalties or other benefits if the licensed technology is commercially successful. Therefore, they have a financial interest in research outcomes that impact the success of the technology. The holding of equity or other ownership interests by UFRF increases the potential institutional conflicts.

The purpose of this policy is to manage or eliminate institutional conflicts (of UFRF and the University), as necessary. It does not concern the personal conflicts of interest that may arise when a faculty member or other employee stands to benefit financially from the results of his/her own research, which are covered by other University policies.

B. Institutional Conflict of Interest Policy:

The University and UFRF have adopted the following procedures to deal with the potential and actual conflicts created when UFRF holds equity in a commercial enterprise and that enterprise has an ongoing research relationship at the University of Florida (“University”) or when UFRF has entered into a license agreement with a commercial enterprise (even if no equity interest is granted) and that enterprise supports research involving the specific licensed technology at the University.

1. Disclosure and Responsibility for Monitoring:

a. Any material provided to the public, to scientific journals, or to professional organizations from the University, UFRF, or from their respective employees should include the disclosure that the University of Florida, UFRF, and/or the inventor(s) or author(s) have financial interests in the company. The person providing the material is responsible for making such disclosures.

b. Before a research contract or grant is entered into by the University with a company in which UFRF holds an equity interest, or with a company that has licensed University-developed technology that is the subject of the research contract or grant, the Vice President for Research or the Vice President’s designee shall inform the appropriate University officials of the
potential conflict of interest of any faculty member or other employee (“Researcher” herein) working on that research project. Notification should be made to the department chair, to the dean of the college, to the Senior Vice President responsible for that college, and to the Vice President for Research. The dean of the college, in consultation with the Vice President for Research’s designee, will be responsible for monitoring the situation, with special attention to resource allocation, employment practices, and graduate student assignments, and for informing the Researcher of this policy.

c. Annually the colleges and the Office of Research will review and update the ongoing conflict of interest cases.

d. The financial interests of the University of Florida, UFRF, and the Researcher must be disclosed specifically and in writing to any research subject. The Researcher is responsible for ensuring that such disclosures are made.

2. Equity Restrictions:

a. UFRF managers, which shall include its directors and officers, and University of Florida officials, which shall include its trustees, president and vice presidents, shall not acquire any equity in any commercial enterprise which has provided UFRF an equity position as consideration under a license or other agreement or in which UFRF has otherwise acquired an equity interest. A list of such equity positions shall be found in the UFRF annual audit.

b. If approved by the Vice President for Research and the applicable Senior Vice President, a University department chair, center director or college administrator (dean, associate dean, assistant dean), who is the inventor of intellectual property licensed to a commercial enterprise, may receive equity in the company as payment for services when the commercial enterprise desires to utilize the services of the chair, center director or college administrator to assist in the development of the intellectual property. Otherwise University department chairs, center directors and college administrators should not acquire equity in any such company when the respective department, center or college may benefit financially from the license agreement.

c. If a research grant or contract is entered into with a company in which UFRF holds an equity interest, any UFRF managers, which shall include its directors and officers, and University of Florida officials, which shall include its trustees, president and any vice president who has supervisory authority over the Researcher as a University employee, shall recuse themselves from any UFRF or University discussions or decisions regarding the equity or regarding any agreement between UFRF or the University and the company.

d. A Researcher or any other University employee who may have knowledge of the research shall not discuss current research results that have not been made public with any UFRF managers who have authority to make decisions on the equity. If the equity is publicly traded, it is the individual responsibility of the Researcher and those working with him or her on the research project and his/her department chair, center director and dean to follow the provisions of federal securities law.
e. UFRF managers will make decisions on the equity, including whether and when to sell the equity, based only upon publicly available information.

f. UFRF will sell its equity as soon as practicable on the market. Such a sale will be accomplished upon the advice of the UFRF Investment Subcommittee. In order to limit potential conflicts, University department chairs, center directors or college administrators whose college has any technology licensed by UFRF shall recuse themselves on issues relating to their college when serving on the Investment Subcommittee.

3. Human Subject Research:

The University will take particular care with respect to management of any potential institutional conflicts of interest in research involving human subjects so as to protect the welfare of human subjects and the integrity of the research. In order for the University or any of its employees to participate in a human subjects research project that represents an institutional conflict of interest as described in this policy, the project must be reviewed and approved by the University’s Vice President for Research and an appropriate conflict management plan must be approved. Factors that will determine the suitability of the University’s participation in the proposed human subject research project and management plan include the following:

- The degree of risk to human subjects inherent in the research.

- The ability of the University to appropriately safeguard the welfare of the human research participants

- The nature of the institutional and additional individual conflicts of interest and the degree to which the conflict(s) can be effectively managed.

- Whether the University is uniquely qualified, by virtue of distinctive resources (e.g. special facilities or equipment that cannot be duplicated easily, unique patient population) and/or the unique experience and expertise of its investigators, to conduct the research and appropriately safeguard the welfare of the human research participants involved.

- The number of trial centers, the clinical trial phase and role of the University in the case of human subject clinical trials.
Adopted by the Board of Directors and Approved by the University of Florida President on October 1, 1998.

Revised by the Board of Directors on December 9, 2013 and Approved by the University of Florida Board of Trustees on March 28, 2014.

Revised and restated by the Board of Directors on December 10, 2014 and Approved by the University of Florida Board of Trustees on April 3, 2015.
IFAS Disclosure of Outside Activities and Financial Interests  
(Form 2627)  
Instructions

This form requests three categories of additional information:

**Item 1** requests a more detailed description of the employment/activity and how the activity will benefit you, your program, and/or UF/IFAS. Any benefit to the State of Florida should be clearly and specifically identified. An additional page (generally a well written paragraph is adequate) is usually provided by the faculty member as an opportunity to give the reviewer a complete understanding of the request. Please refer to the definitions in Section E of the IMM if you have additional questions.

**Item 2** requests acknowledgement that consulting in the State of Florida on matters related to one’s position is strictly limited.

**Item 3** requests clarification of the total amount of time in a fiscal year involved in the activity. This includes evenings, weekends, and holidays.

If there are additional concerns after reviewing these guidelines please visit with your unit leader. If the concerns or questions remain, contact your dean’s office for additional assistance. The major concepts are using good judgment to avoid any real or perceived conflict of interest and to disclose activity to the University for review and approval.
IFAS Disclosure of Outside Activities and Financial Interests (Form 2627)

(This form should be submitted with and attached to University of Florida Form OAA-GA-L-267)

The following additional information is supplied in support of the request to engage in an outside activity and financial interest.

(1) Describe the type and amount of work or employment/activity to be done in enough detail for a reviewer to understand what you propose to do and how the proposed activities benefit you, your program, IFAS and/or the University of Florida. (Use an additional page if necessary.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

(2) Please check one of the following:

☐ This activity is consulting outside the State of Florida
☐ This activity is consulting in the State of Florida but it is on matters not related to my position
☐ This activity is not consulting
☐ This activity is not expert witness testimony inside the State of Florida

(3) Each employee is expected to track the amount of time involved in outside activities. If you have provided other disclosures this fiscal year (July 1 –June 30), how many of the 52 days allowed (including this request) will have been used? This includes evenings, weekends, and holidays. _______

Requested by: (type or print) ____________________________

Signature: ____________________________ Date: ________________

This section is to be completed by unit leader. Please check the box for the following statements that are applicable and verify that each checked statement is true.

☐ The work done or product pursued in this requested activity cannot be met or addressed through normal resources and programs of IFAS
☐ The work done or product pursued is NOT part of the employee’s regular salaried assignment
☐ The requested activity is NOT in competition or conflict with recognized consulting services within the State of Florida
☐ Official time, full or partial, is being authorized for this activity and a justification letter addressed to the appropriate Dean is attached

Supported and verified by Chair or Director: (type or print)

____________________________________________

Signature: ____________________________ Date: ________________
Instructions for Completing the HR-600 Form

USPS, TEAMS, and Faculty are considered benefit eligible salary plans and appointing an employee to more than one of these salary plans is not permitted. Primary employment to USPS, TEAMS, or Faculty can only be combined with secondary appointments in the OPSN, OPSE, OF12, or OF09 salary plans.

The secondary employer is responsible for ensuring that the form is complete and accurate. Assignments/payments will not be authorized until the form has been approved and signed by the appropriate offices.

1. The employee and primary employer must complete and sign the “Employee Signature” and “Primary Employer” portions of this form.
2. The completed form must be submitted to the appropriate personnel office for final approval.

For appointments/payments to TEAMS, USPS, and OPS:
Human Resource Services
PO Box 115002, 903 West University Avenue
Gainesville, FL 32611-5001
(352) 392-2477

For appointments/payments to Academic Personnel and house staff:
Academic Personnel Office
PO Box 113005, 903 West University Avenue
Gainesville, FL 32611
(352) 392-2477

Please note that this form does not accomplish payment. It simply provides authorization for payment from the University of Florida only. For more information about processing and payment, please visit our web site at www.hr.ufl.edu or contact one of the above offices.
Request for Approval of Additional University Compensation

Contact Person: PO Box: Phone: Fax:

Employee Name: UFID Number:

REQUEST (check one)


- Employment of UF employee at greater that 1.00 FTE
- Employment of UF employee simultaneously from OPS and salaries

<table>
<thead>
<tr>
<th>PRIMARY EMPLOYMENT</th>
<th>SECONDARY EMPLOYMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Unit:</td>
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<tr>
<td>Department ID:</td>
<td></td>
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<tr>
<td>Class Title:</td>
<td></td>
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<tr>
<td>Position Number:</td>
<td></td>
</tr>
<tr>
<td>Rate of Pay (Hourly or Biweekly):</td>
<td></td>
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<tr>
<td>Work Schedule: Daily:</td>
<td>Weekly:</td>
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<td>a.m.</td>
<td>p.m.</td>
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<tr>
<td>a.m.</td>
<td>p.m.</td>
</tr>
<tr>
<td>Full Time Equivalency (FTE):</td>
<td></td>
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<tr>
<td>Period of Employment:</td>
<td></td>
</tr>
<tr>
<td>Appropriation Paid From:</td>
<td></td>
</tr>
</tbody>
</table>

THE SECONDARY EMPLOYER MUST COMPLETE THIS SECTION
(The secondary employer is responsible for insuring that the form is completed and approved)

DUTIES TO BE PERFORMED IN SECONDARY EMPLOYMENT and EXPLANATION/JUSTIFICATION
(Attach additional sheets if necessary)

SECONDARY EMPLOYER NAME (Please Print) SIGNATURE DATE PHONE

THE PRIMARY EMPLOYER MUST COMPLETE THIS SECTION
(If for any reason this statement is not applicable, a separate statement of explanation from the primary employer must be attached): This employee has my approval to perform the additional duties indicated above for the secondary employer. These additional duties will not be performed during the employee’s regular working hours with this university and will not involve a conflict of interest with the employee’s regularly assigned duties.

PRIMARY EMPLOYER SUPERVISOR (Typed) SIGNATURE DATE

PRIMARY EMPLOYER CHAIR or DIRECTOR (Typed) SIGNATURE DATE

EMPLOYEE SIGNATURE DATE

AUTHORIZATION OF HUMAN RESOURCE SERVICES (Required for USPS and TEAMS).

☐ APPROVED ☐ APPROVED AS MODIFIED ☐ DISAPPROVED ☐ FLSA OVERTIME REQUIRED

REMARKS:

HUMAN RESOURCE SERVICES SIGNATURE DATE
DISCLOSURE OF SIGNIFICANT FINANCIAL INTEREST

All Investigators (as defined below) must read, sign and submit this form to the Division of Sponsored Programs (DSP) with each grant application being submitted where the source of funding will be from a US Public Health Service Service Organization as a recipient or as a sub-recipient, with the exception of STTR/SBIR Phase I projects, which have been exempted by federal rule. This form is also required with grant applications submitted to non-federal sponsors that have adopted this PHS policy as their own. (Link to list of organizations - http://research.ufl.edu/faculty-and-staff/research-compliance/conflict-of-interest-and-outside-activities/public-health-service-phs/list-of-organizations-that-require-compliance-with-phs-regulations.html).

Project Title:__________________________________________UF PI:________________________________________

Effective August 24, 2012, the Public Health Service (PHS) require grantees to manage any actual or potential conflict of interest that may be presented by compensated outside activities and other financial interests of Investigators (as defined below) involved in sponsored research projects funded by the Public Health Service (PHS). In addition, several non-federal sponsors that have adopted this policy as their own, for example, American Heart Association (AHA). The primary purpose of the federal regulations is to prevent bias in the design, conduct, or reporting of research projects. Investigators working on projects funded by these various granting agencies must abide by these requirements.

“Investigator” is defined as the Principal Investigator, Co-Principal Investigator, or any other person, regardless of title or position, responsible for the design, conduct, or reporting of the research or educational activities. “Investigator” for the purposes of determining a “Significant Financial Interest” includes the Investigator’s spouse and dependent children.

“Significant Financial Interest” is one or more of the following financial interests of the Investigator (and those of the Investigator’s spouse and dependent children) that reasonably appears to be related to the Investigator’s institutional responsibilities. A Significant Financial Interest does not include salary, royalties, or other remuneration paid by the Institution to an Investigator; income from seminars, lectures, or teaching engagements sponsored by a U.S. federal, state, or local government agency, or an institution of higher education; or income from service on advisory committees or review panels for a U.S. federal, state, or local government agency, or an institution of higher education.

“Entity” means any domestic or foreign, public or private, organization (excluding a U.S. Federal agency) from which an Investigator (and spouse and dependent children) receives remuneration or in which any person has an ownership or equity interest.

A. With regard to any 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 and the value of any equity interest on the date of disclosure when aggregated, exceeds $5,000. Remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship, travel reimbursement or any other payments or consideration with value); equity interest includes any stock, stock option, or other ownership interest, as determined by public prices or other reasonable measures of fair market value.

   A. Check Yes [ ] indicating you, your spouse and/or dependent children have such a significant financial interest or No [ ].

B. 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 exceeds $5,000, or the Investigator holds any equity interest in the non-publicly traded Entity.

   B. Check Yes [ ] indicating you, your spouse and/or dependent children have such a significant financial interest or No [ ].

C. Intellectual property rights (e.g., patents, copyrights), upon receipt of income related to such rights. The term Significant Financial Interest does not include royalties paid by the Institution to an Investigator.

   C. Check Yes [ ] indicating you your spouse and/or dependent children have such a significant financial interest or No [ ].
D. Investigators must disclose the occurrence of any reimbursed or sponsored (except when paid through the Institution) travel related to their institutional responsibilities. Not required to be disclosed is travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

D. Check Yes □ indicating you do have reimbursed or paid travel (except when paid through the Institution) and complete the PHS FCOI Reimbursed or Paid Travel Disclosure Form (part 2) of this form.

Check No □ indicating no reimbursed or paid travel.

One requirement of the FCOI regulation is that all investigators must complete FCOI training, before engaging in the research. UF Funding will not be released until the training is completed.

Check Yes □ indicating you have taken the myUFL FCOI Training, course number DSR810.

Check No □ indicating FCOI Training has not yet been completed.

A Significant Financial Interest or reimbursed or paid travel must be disclosed at the time of the proposal submission, but approval of the conflict of interest (with conditions if warranted) need not occur until the project has been funded, but must occur prior to expenditure of any awarded funds. The federal regulations also require that the disclosures be made annually during the course of the research or as new reportable Significant Financial Interests are obtained. An Investigator must file a new disclosure within 30 days if a new Significant Financial Interest is obtained, which is consistent with the University’s requirement that any material changes to outside activities and financial interests must be reported during the academic year. Review and approval or disapproval of the interests disclosed during the course of a research project must be accomplished within 60 days.

The University’s designated official(s) is responsible for reviewing each disclosure to determine if the financial interest disclosed could be affected by the proposed research or if the research could be affected by the financial interest and if a conflict of interest exists. Under the federal regulations, if a Significant Financial Interest may directly and significantly affect the design, conduct, or reporting of the research, a financial conflict will be deemed to exist. The University is required to eliminate the conflict or develop a management plan to manage the conflict. Public disclosure of the conflict is required. Conditions that might be imposed include modification of the research design or monitoring of the research by independent reviewers. If adequate measures are not feasible, the person disclosing may have to discontinue the compensated activities or divest themselves of the financial interest, or discontinue the research. The person disclosing must abide by the conditions under which the research is permitted.

I declare that the information being disclosed is true and accurate under the regulations.

Sign: ___________________________   Role: Check one, PI □ Co-PI □ Other Key Personnel □

Print Name: _______________________   Date: ____________
Reimbursed or Paid Travel Disclosure Form. Add additional sheets for each reimbursed or paid travel you are disclosing.

In the twelve months preceding this disclosure I have received reimbursed or paid travel.

1. The date of the travel was ________________

2. The identity of the company/organizer of the travel was ________________

3. The destination was ________________

4. Did your spouse or dependent children accompany you, and if yes who paid for their travel?
   ________________

5. The monetary value of the travel was ________________

6. The purpose of the travel was ________________

I declare that the above information being disclosed concerning travel is true and accurate under the regulations.

Sign: _____________________________   Role: Check one, PI □ Co-PI □ Other Key Personnel □

Print Name: _______________________   Date: ________________
DISCLOSURE OF SIGNIFICANT FINANCIAL INTEREST

All Investigator’s (as defined below) must read, sign and submit this form to the Division of Sponsored Programs (DSP) with each grant application being submitted where the source of funding will be from the National Science Foundation (NSF), as the recipient or as a subrecipient, with the exception of STTR/SBIR Phase I projects, which have been exempted by federal rule.

Project Title: _______________________________ UF PI: __________________________

Since October 1, 1995, federal regulations require universities manage, reduce, or eliminate any actual or potential conflict of interest that may be presented by compensated outside activities and other financial interests of Investigators (as defined below) who are involved in sponsored research projects funded by the NSF. The primary purpose of these federal regulations is to prevent bias in the design, conduct, or reporting of research projects. Investigators working on projects funded by the NSF must abide by these requirements.

“All Investigator” is defined as the Principal Investigator, Co-Principal Investigator, or any other employee responsible for the design, conduct, or reporting the proposed or funded research or educational activities. “Investigator” for the purposes of determining a “Significant Financial Interest” includes the Investigator’s spouse and dependent children.

All Investigators involved in the grant application’s activities must report any “Significant Financial Interest” (as defined below) that would reasonably appear to be affected by the proposed or funded research activities, including interest maintained in entities that would be so affected.

“Significant Financial Interest” refers to salary or other payments for services, such as fees and honoraria; equity interests, such as stocks and stock options; and intellectual property rights, such as patents, copyrights, and royalties. A Significant Financial Interest does not refer to salary or other remuneration from the university; income derived from seminars, lectures or teaching engagements sponsored by public or nonprofit entities; income derived from service on advisory committees or review panels for public or nonprofit entities; or salary, royalties or other payments that, when aggregated for the Investigator and his or her spouse and dependent children, is not expected to exceed $10,000 over a 12 month period. An equity interest that, when aggregated for the investigator, spouse, and dependent children, does not exceed $10,000 and does not represent more than a five percent ownership interest in any entity is also not considered a Significant Financial Interest. Significant Financial Interests must be disclosed at the time of the proposal submission, but approval of the conflict of interest (with conditions if warranted) need not occur until the project has been funded, but prior to expenditure of any awarded funds. The federal regulations also require that the disclosures be made annually during the course of the research or as new reportable significant financial interests are obtained. The Investigator must file a new report if a new Significant Financial Interest is obtained, which is consistent with the university’s requirement that any material changes to outside activities and financial interests must be reported during the academic year. Review and approval or disapproval of the interests disclosed during the course of a research project must be accomplished within 60 days.

UF’s designated officials are responsible for reviewing each disclosure to determine if there is a conflict of interest. Under the federal regulations, if a Significant Financial Interest may directly and significantly affect the design, conduct, or reporting of the research a conflict will be deemed to exist. The University, through the department chairperson (or supervisor) and dean (or director), is required to manage, reduce or eliminate the conflict. Conditions that might be imposed in such cases include public disclosure of the conflict, modification of the research design, or monitoring of the research by independent reviewers. If adequate measures are not feasible, the investigator may have to discontinue the compensated activities or divest himself of the financial interest, or discontinue the research. The investigator must abide by the conditions under which the research is permitted.

I DO NOT have a Significant Financial Interest as described above. [ ]

I DO have a Significant Financial Interest as described above. [ ]

I declare that the information being disclosed is true and accurate under the regulations.

Sign: _______________________________ Role: Check one, PI [ ] Co-PI [ ] Other Key Personnel [ ]

Print Name: ___________________________ Date: _______________
Appendix B6

Instructions for completing the Request to Use University Equipment, Facilities and Services in Conjunction with Non-University Outside Activity

Any use of university equipment, facilities or services with regard to an outside activity must be approved prior to the activity. In general, the use of these resources will be allowed only on a noninterference basis, and a charge may be assessed.

An employee who has received University approval to engage in an outside activity may request approval for the use of University equipment, facilities, or services in connection with the activity. The University must approve the use in advance. The employee must request such approval by completing and submitting this form. The form should be attached to the Disclosure of Outside Activities and Financial Interests. If in the course of the work, the employee anticipates a change in the use or dates of use of University resources, a new request for approval must be submitted immediately.
University of Florida  
Request for an Exemption/Disclosure  
Under Section 112.313(12)(h), Florida Statutes

In general, under Florida law, a University employee is not permitted to have certain ownership interests in, or be employed (as a consultant or otherwise) by a business entity contractually supporting the employee’s research or teaching activities. Similarly, a University employee may not have certain ownership interests in, or be employed (as a consultant or otherwise) by, a business entity licensing from the University or the University of Florida Research Foundation, Inc. (UFRF) technology invented by the employee. In 1986, in order to facilitate technology transfer and research, the Florida Legislature passed an exemption to the general law that allows these and related relationships after specific approval by University officials.

For more information on outside activities and financial interests and this exemption, please see: UF Guidelines, Policies, and Procedures on Conflict of Interest and Outside Activities, including Financial Interests on the General Counsel website http://www.generalcounsel.ufl.edu/conflict/COI.pdf.

To fully evaluate the potential conflicts of interest your proposed relationship with the business entity may create and to determine whether to allow it, it is necessary to understand your proposed activities and financial interests, your University activities, and the relationship between the University and/or UFRF and the business entity, and any other outside activities you may have. The information you provide is designed to assist those who must evaluate your Request for Exemption/Disclosure.

<table>
<thead>
<tr>
<th>Name of Employee</th>
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<tbody>
<tr>
<td>UFID</td>
<td></td>
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<tr>
<td>College/Area:</td>
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<td>Department/Unit:</td>
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<td>Campus Address:</td>
<td></td>
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<tr>
<td>Campus Phone:</td>
<td></td>
</tr>
<tr>
<td>Campus E-Mail Address:</td>
<td></td>
</tr>
<tr>
<td>Academic Rank: (if applicable)</td>
<td></td>
</tr>
<tr>
<td>Tenure Status: (if applicable)</td>
<td></td>
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<tr>
<td>List all positions currently held at the University of Florida:</td>
<td></td>
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</tbody>
</table>

Company Name: if applicable

OR Case ID:

If granted, the Exemption will become effective on the date this Request for Exemption is approved and will extend for 5 years, ending on June 30th of that final year

☐ If this represents a renewal of previously approved exemption, please check here.
I. Reason For Exemption

A. Your Activity and Financial Interest(s) In The Company
   *(check all that apply)*

- ☐ Consulting or employment agreement with a company which has entered, or will be entering, into a research agreement and/or technology license agreement with the University of Florida (University)
  
  Describe and List remuneration "eg. Stock, stock options, cash" and $ value (if any):

- ☐ Ownership interest in a company (e.g. partner, proprietor, shareholder, ownership of stock options) that has entered into, or will be entering into, a research agreement and/or technology license agreement with the University
  
  If so, ownership interest is held by whom?
  
  ☐ Myself  ☐ Spouse  ☐ Child

- ☐ Leadership or managerial position(s) at a company that has entered into, or will be entering into, a research and/or technology license agreement with the University or UFRF.
   *(Check all that apply)*

  ☐ President  ☐ CEO  ☐ CFO  ☐ Member of the Board of Directors
  ☐ CIO  ☐ Director of Research  ☐ Officer: _____
  ☐ Scientific Advisory Board Member  ☐ Other: _____

  Describe and List remuneration "eg. Stock, stock options, cash" and $ value (if any):

- ☐ Other activity or financial interest not described above. Please describe in the box provided below:

  ~

B. Agreement(s) With the Company for which this Exemption is requested. Check all that apply.

- ☐ License Agreement(s) for technology

C. Other Agreements for which an exemption is requested that are in conjunction with the license agreement or research agreement noted above. Describe fully any such other agreement(s).
II. Company Data

Name of Company: ____________________________________________________________
Street Address: __________________________________________________________________
City: ______________________________________________________________________ State: __________________________________________________________________ Zip: __________________________________________________________________
Phone Number: __________________________________________________________________
Fax Number: __________________________________________________________________
Executing Official: __________________________________________________________________
E-Mail Address: __________________________________________________________________

Parent Company (if any): __________________________________________________________________
Parent Company Address: __________________________________________________________________
Parent Company Official: __________________________________________________________________

1. Type of Entity:

☐ General Partnership  ☐ Sole Proprietorship  ☐ LLC  ☐ Corporation  ☐ S Corporation

2. Briefly Describe the Overall Activities/Business Pursued by the Company.

Describe:

3. Layman’s Description of the technology / intellectual property involved in this disclosure.

Describe:

4. Does UFRF have (or is UFRF proposed to have) as a result of a license agreement) an ownership interest in the company? If so, how much?

Describe:

III. Your Responsibilities To The University

Describe all of your responsibilities at the University:

☐ UF Teaching / Instruction:

Describe:

☐ UF Research (including area of research):

Describe:

☐ UF Service / Administrative:
IV. Your Responsibilities To The Company

1. Describe your responsibilities to the Company and the total time commitment involved as hours per week.

   Company Responsibilities:

2. Distinguish how your company responsibilities differ from your University responsibilities. Identify any areas of potential conflict.

   Describe:

V. Company Relationships to University

1. List and describe all agreements between the University, University direct support organizations, including UFRF, and Shands Hospital and the Company for the period for which this exemption is sought, including the research and/or technology license agreement triggering the need for an exemption.
Describe for each the contracting parties and the nature of the agreement.

2. Are there other University employees and/or students (including spouse, domestic partner, children, and any persons living in the same household of University employees and students), involved with the company?

☐ Yes  ☐ No

If Yes, describe below:

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Relationship to Company:</th>
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</table>

VI. Applicable Inventions

Are you an inventor or co-inventor of any intellectual property, which is the basis of the transactions, described in Section I?

☐ Yes  ☐ No

If yes, please list below:

Describe:

VII. Other Activities of Employee

1. List all your approved outside activities and attach copies of all of the corresponding Disclosure of Outside Activities and Financial Interests form(s). (Include this activity in the list) If other Exemptions under Section 112.313(12)(h) are currently in force, please attached the request form and monitoring plan for these exemptions.

List:
2. If you presently, or will be, the principal investigator, co-principal investigator or key personnel on any research project for the period for which this exemption is sought, please list all such research grants and contracts.

☐ Yes  ☐ No

If Yes, please Attach a list. (May be printed from the OR-DSR database)

~

3. Please list all research projects subject to Public Health Service conflict of interest regulations or National Science Foundation conflict of interest regulations.

4. Do you have a “Significant Financial Interest” as defined by Public Health Service regulations?

☐ Yes  ☐ No

~

5. Do you have a “Significant Financial Interest” as defined by National Science Foundation?

☐ Yes  ☐ No

VIII. Renewal
(to be filled out if this is a renewal of a previously granted Exemption)

1. Describe the changes that have occurred to any of the disclosures made in the Request for Exemption for which you are requesting renewal.

Describe:

2. Describe any issues that have arisen with regard to the Monitoring Plan developed in connection with the Request for Exemption for which you are requesting renewal and how these have been resolved. Describe the changes that have been made to the Monitoring Plan developed for the previous Request for Exemption.

Describe:
IX. Employee Agreements

I (employee) understand and agree that all my activities with the Company are carried out in my individual capacity and not as a representative of the University of Florida or the University of Florida Research Foundation, Inc.

By signing below, I (employee) understand and agree to abide by all pertinent provisions of Chapter 112, Florida Statutes, University of Florida regulations and any other conditions, including any monitoring plans, imposed for the allowance of these outside activities.

I (employee) further agree and understand that violation of this agreement is grounds for disciplinary action, withdrawing the allowance of my outside activities, withdrawing the Exemption and terminating any agreement between the University or the University of Florida Research Foundation, Inc. and the Company that has been allowed under the Exemption.

Signature: ________________________________
Printed Name: ________________________________
Date Signed: ________________________________

OR Case ID: _____
X. Institutional Approval/Disapproval

OR Case ID:

<table>
<thead>
<tr>
<th>Reviewer:</th>
<th>Reviewer's Signature</th>
<th>Approve</th>
<th>Disapprove</th>
<th>Date</th>
</tr>
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<tr>
<td>Chair or Supervisor (or designee)</td>
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<tr>
<td>Dean, Director or Other Appropriate Administrator (or designee)</td>
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<tr>
<td>Assistant Director for Research Compliance (or designee)</td>
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<tr>
<td>Vice President for Research</td>
<td></td>
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<tr>
<td>UF President</td>
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<tr>
<td>Chair, UF Board of Directors</td>
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</tr>
</tbody>
</table>
REQUEST TO USE UNIVERSITY EQUIPMENT, FACILITIES AND SERVICES
IN CONJUNCTION WITH NON-UNIVERSITY OUTSIDE ACTIVITY

An employee who has received University approval to engage in an activity may request approval for the use of University equipment, facilities, or services in connection with non-university outside activity. The University must approve the use in advance. The employee must request such approval by completing and submitting this form. The form should be attached to the Outside Activities and Financial Interests Report. The use of any of these resources will be allowed only on a non-interference basis, and there may be a charge for such use. If in the course of the work, the employee anticipates a change in the use or dates of University resources, a new request for approval must be submitted immediately.

EQUIPMENT
Identify equipment description (e.g., fax, e-mail, computer decal #, etc.) and describe manner in which it will be used: __________________________________________

Specify dates of use: ____________________________ List account(s) identified for reimbursement: __________________________________________

Location and address where the equipment will be used (e.g., home, office, other): __________________________________________

Department and college or other area(s) in which equipment is assigned: __________________________________________

Associated charges (attach basis for determination or explanation if no charge): $ ____________________________

Signature and Title of Administrator (Custodian) Responsible for the Equipment Date ____________________________

FACILITIES
Identify facility, include location and manner in which the facility will be used: __________________________________________

Specify date of use: ____________________________ List account(s) identified for reimbursement: __________________________________________

Department and college or other area(s) in which facility is located: __________________________________________

Associated charges (attach basis for determination or explanation if no charge): $ ____________________________

Signature and Title of Administrator (Custodian) Responsible for the Facility Date ____________________________

SERVICE
Identify service (including names of employees or students, computing service, etc.) and describe manner in which the service will be used: __________________________________________

Specify dates of use: ____________________________ List account(s) identified for reimbursement: __________________________________________

Location and address where the equipment will be used (e.g., home, office, other): __________________________________________

Department and college or other area(s) in which equipment is assigned: __________________________________________

Associated charges (attach basis for determination or explanation if no charge): $ ____________________________

Signature and Title of Administrator (Custodian) Responsible for the Service Date ____________________________

I hereby certify that the information described is accurate and complete and my use of university equipment, facilities, and services as reported will be solely in conjunction with activities approved on my Outside Activities and Financial Interests Report, which is attached to this request.

APPROVALS:
Chair or Supervisor Date ____________________________ Please Print Name and Campus Address and Box # ____________________________

Dean or Director (or Designee) Date ____________________________

Office of the Vice President for Business Affairs Date ____________________________

Employee’s Signature Date ____________________________

Copies of completed form must be sent to: Division of Human Resource Services, dean or director, department chairperson or other appropriate administrator and employee.

OAA-GA-L-268/8-2012
### University of Florida Monitoring Plan for Potential Conflicts of Interest

<table>
<thead>
<tr>
<th>Name of Employee (Employee):</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>College/Area:</td>
<td></td>
</tr>
<tr>
<td>Department/Unit:</td>
<td></td>
</tr>
<tr>
<td>Campus Address:</td>
<td></td>
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<td>Campus Phone:</td>
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<td>Campus Fax:</td>
<td></td>
</tr>
<tr>
<td>Campus E-Mail Address:</td>
<td></td>
</tr>
<tr>
<td>Tenure Status: (if applicable)</td>
<td></td>
</tr>
<tr>
<td>List all positions <em>currently held</em> at the University of Florida:</td>
<td></td>
</tr>
</tbody>
</table>

---

### 1. Reason for Monitoring Plan

This Monitoring Plan addresses actual or potential conflicts of interest arising out of my relationship with_____ (the “Company”). OR-ID # _____

*(Check all that apply)*

A. I have requested an exemption pursuant to Section 112.313(12)(h), Florida Statutes.

Yes: ☐  No: ☐

B. I have a “Significant Financial Interest” as defined by the Public Health Service or National Science Foundation conflict of interest regulations which requires a monitoring plan.

Yes: ☐  No: ☐

~

If yes, attach applicable DSR 05 forms.
D. I have a financial interest and/or an outside activity NOT requiring an Exemption from Florida Statutes or a monitoring plan under federal conflict of interest regulations, but which is to be permitted only pursuant to a monitoring plan.

Yes: ☐ No: ☐

If yes, attach a copy of your Disclosure of Outside Activity and Financial Interests form(s).

~

2. Description of Conflicts
   A or B

☐ A. Check this box if you answered YES to Question 1A above and skip forward to Question 4. Responsible Persons (Your Request for Exemption/Disclosure-(B7) as an attachment to this monitoring plan will address this question.)

~

☐ B. Check this box, if you answered NO to Question 1A above. You will need to describe below, the conflict(s) of interest (both actual and potential) to be addressed by this monitoring plan. It is recommended that you do this by describing 1) your employment responsibilities at the University, 2) your outside activities and/or financial interest(s), 3) delineation of the differences and 4) identification of the potential areas in conflict.

Describe for 2B:

~

3. Term of Monitoring Plan

This monitoring plan is effective upon execution of all parties and will remain in effect until circumstances are documented that dictate otherwise.

If at any time substantive changes need to be made to this monitoring plan, the Monitor may elect to replace this plan in its entirety or add supplemental conditions. This monitoring may be terminated with the submission of proper documentation indicating the non-existence of a conflict or perception of conflict, in accordance with established policy and procedures.
4. **Responsible Persons**

The Dean of the College or Area Administrator, as designee of the President of the University, assumes primary responsibility for monitoring Employee’s activities regarding the potential conflict(s) presented by Employee’s activities with the Company. In certain Colleges or Areas, the President’s designee may have delegated these responsibilities to another person within their office. If under this monitoring plan the approval of the University is required for any action to be taken, the express written approval of the Dean of the College, Area Administrator or designee (hereinafter called the “College Representative or Area Administrator”) must be secured in addition to the specific approvals otherwise required under University regulations and policies.

```
College/Area: .................................................................
College Rep/Area Administrator ........................................
Title: ............................................................................
Campus Address: ............................................................
Campus Phone: ................................................................
Campus Fax: ..................................................................
Campus E-Mail: ..............................................................
```

The Chair of the Department or Unit Supervisor is also responsible for reviewing outside activities and financial interests and assisting with monitoring and reporting any problems or concerns this plan, to the College Representative or Area Administrator. In some instances, it may be necessary to use an alternate or designee assigned by the Chair of the Department or Unit Supervisor. The Chair of the Department, Unit Supervisor or designee (hereinafter called the “Chair or Unit Supervisor”) is listed below:

```
Department / Unit .............................................................
Dept. Chair / Unit Supervisor ............................................
Title: ............................................................................
Campus Address: ............................................................
Campus Phone: ................................................................
Campus Fax: ..................................................................
Campus E-Mail: ..............................................................
```

Questions regarding this plan may also be directed to the Office of Research Representative (hereinafter called the “Research Compliance Representative”) who assists with monitoring and approves this plan as listed below:

<table>
<thead>
<tr>
<th>Research Compliance Representative:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
</tr>
<tr>
<td>Campus Address:</td>
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<tr>
<td>Campus Phone:</td>
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<tr>
<td>Campus Fax:</td>
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<tr>
<td>Campus E-Mail:</td>
</tr>
</tbody>
</table>

5. Management of Conflicting Interests / Conditions of Approval

Many of the conditions as set forth in clauses A – M below are restatements of rules, regulations or statutes to which Employee is already subject as a University employee, but which are important to note given the conflicts of interest involved.

A. Integrity of Research and Education Programs. Employee recognizes that his or her primary professional responsibility is to the University. Teaching and research, based on the highest standards of scientific objectivity, are paramount in fulfilling that responsibility as well as adherence to the Code of Ethics as established under Part III of Chapter 112, Florida Statutes.

The College Representative or Area Administrator may attend all laboratory/program and/or personnel meetings and shall be provided with any information regarding Employee’s activities upon request.

B. University Rights to Intellectual Property. Employee has agreed not to take any action which would in any way limit the University’s rights to intellectual property developed by Employee or any other University employee or student. The Employee will assure that publications of research or work performed are done in such a manner that the intellectual property rights of the University and those associated with the University are maintained. Employee will promptly fulfill all requirements of the University’s Intellectual Property Policy, including all reporting requirements.
C. Dissemination of Research Results. Publication of research results is the cornerstone to the existence of the University’s laboratory/program(s) and to the undergraduate/graduate program(s) that might also be associated with Employee and Employee’s potential conflict of interest. Employee will assure that publications are accomplished in a manner that protects the intellectual property rights of the University and will assure that graduate students are allowed to present, defend or publish theses and dissertations in a timely manner.

D. Use of University Equipment, Facilities, Services, or Personnel in Outside Activity. University and University of Florida Research Foundation, Inc. (UFRF) equipment, facilities, services and personnel are available only for the use and benefit of the University and UFRF.

Therefore, if an Employee desires to use any University facilities, equipment or services in their capacity with the Company, Employee must obtain prior approval through the Request to Use University Equipment, Facilities and Services form. Such use must be only on a non-interference basis, may be compensated, and must be justified by the uniqueness of the equipment or services. The use of University services will not be allowed unless the services provided are otherwise available to non-University-related persons or entities.

Incidental use of equipment, such as the telephone (local calls), fax machine and computer resources by the Employee for communication purposes may also be permitted, provided a Request to Use University Equipment, Facilities and Services form is completed and approved.

Equipment, facilities, services or personnel used by the Company pursuant to a research agreement between the Company and UFRF and facilities, equipment and services used by the Company at the Sid Martin Biotechnology Development Institute or the Innovation Hub pursuant to a license agreement between the Company and UFRF are not subject to this provision.

E. No Use of University of Florida Name. Employee may not use the name of the University or the UFRF in connection with Employee’s activities with the Company without the express written permission of the College Representative or Area Administrator with regard to each instance of use.

F. Disclosure to Laboratory/Program or Area Personnel. The College Representative or Area Administrator will notify personnel and students supervised by the Employee. A Disclosure Statement, Exhibit A, will be provided to them. Employee will inform the College Representative or Area Administrator whenever any personnel changes (both additions and deletions) are made in Employee’s laboratory/program or area, including any changes in student supervision.

As needed, the College Representative or Area Administrator shall meet with personnel and students working in the Employee’s laboratory/program or area to discuss their duties and
responsibilities in the laboratory/program or area, as well as an Employee’s duties and responsibilities in the laboratory/program or area and relationship with the Company.

G. **Disclosure in Proposals and Publications.** Appropriate disclosure of Employee’s interests in, or relationship to the Company, will be made in all reporting of work or research, which is funded by the Company, and in all reporting of work or research, which may favorably or unfavorably affect any financial interests (e.g. increased royalty payments and equity growth) Employee derives from the Company.

A sample disclosure statement is provided below:

[Insert Name of Employee] [owns stock or stock options in, and/or receives royalties from, and/or describe any other relationship to] [Insert name of Company] as such may benefit financially as a result of the outcomes of [Insert Name of Employee’s ] research or work reported in this publication.

H. **Human Subject Research.** If Employee is conducting research involving human subjects and the outcome of that research may favorably or unfavorably affect any financial interests Employee derives from the Company, Employee shall fully disclose Employee’s interest in, or relationship to, the Company to the Institutional Review Board (IRB) and follow any requirements or limitations placed on Employee or the research imposed by the IRB. In addition, Employee will disclose Employee’s interest in, or relationship to, the Company in the IRB-approved informed consent to be provided to each human subject involved in the research.

I. **Company’s Use of University Personnel and Students.** Company will not employ any students or University employees, even on a part-time or voluntary basis, without the express written approval of the University.

J. **Confidentiality of Information.** Employee will not disclose or provide any University or UFRF information or work products, including research results, not available to the general public through publication to Company except under the terms of an appropriate written agreement between the University or UFRF and the Company.

K. **No Competition with University.** Company shall not accept any research contracts and/or grants that may otherwise have been accepted by the University. Employee shall disclose all potential applications for research contracts and/or grants to the College Representative or Area Administrator. Company may apply for such grants and contracts only after the College
Representative or Area Administrator has determined there is no University interest in pursuing them.

\[ \text{Modifications (if any):} \]

\[ \text{~} \]

L. Avoidance of Contractual Conflicts. In order to avoid conflict situations, Employee has agreed not to participate in any negotiations concerning agreements between the University, UFRF, or any other direct support organization of the University and the Company except to provide information concerning Employee’s activities at the University in connection with proposed agreements or research agreements.

\[ \text{Modifications (if any):} \]

\[ \text{~} \]

M. Annual Report. By June 1 of each year this plan is in effect, Employee must make an annual report to the College Representative or Area Administrator using the Monitoring Plan Review Checklist – form B8c, located on the General Counsel website at http://www.generalcounsel.ufl.edu/downloads/COI.pdf:

\[ \text{~} \]

The College Representative or Area Administrator and Employee shall discuss the report, copies of which must be forwarded to the Chair or Unit Supervisor and the Research Compliance Representative with all other required disclosures.

\[ \text{~} \]

N. Changes to Disclosure. Employee will promptly report to the College Representative or Area Administrator any changes to the information disclosed by Employee in connection with this Monitoring Plan, including changes in the Employee’s relationship to the Company, significant changes in Employee’s responsibilities at the University and new sources of funding for research in areas in which the Company also has an interest. The College Representative or Area Administrator must also be informed of any new additional outside activities or financial interests required to be reported under University of Florida Regulation 1.011 or the applicable Collective Bargaining Agreement. This disclosure will allow the College Representative or Area Administrator to evaluate whether any changes to this monitoring plan or the Employee’s request for exemption, if applicable, are necessary.

\[ \text{~} \]

O. Other Conditions of Allowance. Other parameters necessary to effectively manage the conflict, or the potential for conflict, are set forth below:

\[ \text{(Check all that apply and delineate action to be taken)} \]

\[ \text{~} \]

- “Additional” reviews by College Representative or Area Administrator:
  - Quarterly basis,
  - Semi-Annual basis,
Other:

Please use Monitoring Plan Review Checklist – form B8c located on the General Counsel website, to document the review.

(This does not replace the annual report as stated in M.)

Comments:

- Monitoring of activity or research by independent reviewers;
  - Advisory committee of disinterested scientists
  - Other committee or individuals as described below:
  Describe:

- Modification of the research plan/protocol;
  Describe:

- Disqualification from participation in all or a portion of the research/protocol;
  Describe:

- Other;
  Describe:
Employee understands and agrees that violation of any of the conditions of this Monitoring Plan or University regulations and policies governing outside activities and conflict of interest, the use of University equipment and personnel and intellectual property is grounds for withdrawing approval of Employee’s Exemption and outside activity or interest, as well as termination of any agreements between the University or the UFRF and the Company.

Acknowledged & Agreed To:

Employee:
Typed Name: 
Date: 

Chair or Unit Supervisor (or designee)
Typed Name: 
Date: 

College Representative or Area Administrator (or designee)
Typed Name: 
Date: 

Approved:

Research Compliance Representative
Typed Name: 
Date: 

Check Applicable Attachments:
- [ ] MP Exhibit A – B8a
- [ ] RFE – B7
- [ ] Notice and Agreement by Company – B8b
- [ ] DOA – B1
- [ ] List of proposed and awarded projects where a potential for conflict exists
- [ ] Other
University of Florida
Exhibit A to the Monitoring Plan
Employee Disclosing Statement

TO: ____________________________ ID: ____________________
(Personnel to receive this disclosure) (optional)

FROM: ____________________________ “Disclosing Employee”
OR-ID: ____________________________ □ Revised version dated: _____

The University has determined that a conflict of interest or a potential conflict of interest is presented by the Disclosing Employee’s financial interests noted below. The University has also determined that the conflict can be managed through an appropriate monitoring plan to which the Disclosing Employee has agreed. As part of Employee’s monitoring plan, all applicable UF personnel are being advised of these relationships and financial interests by means of this disclosure statement.

Please be advised of the following:

☐ The Company referenced in this disclosure is:

☐ Disclosing Employee has filed a conflict of interest Request for Exemption under Section 112.313(12)(h), Florida Statutes.

The exemption was requested in order to: (check all that apply)
☐ Allow Company to enter into the licensing agreement with UFRF
☐ Permit research, under a research contract between the University and the Company
☐ Other

Describe:

~

Financial Interests:
☐ Disclosing Employee has invention(s) that are licensed by the University of Florida Research Foundation, Inc. (UFRF) to the Company.
☐ Disclosing Employee acquired an ownership interest in the Company.
☐ Disclosing Employee may receive royalties under the University’s Intellectual Property policy.
☐ Disclosing Employee has entered into a consulting agreement with Company.
☐ Other;

Describe:

~

☐ Disclosing Employee has a “Significant Financial Interest” as defined under federal regulations.

(See http://www.generalcounsel.ufl.edu/conflict/COI.pdf)
Briefly describe the outside activity or financial interest. Describe work of the disclosing employee at the University and distinguish it from any work done for the company.

~
The disclosing Employee’s College or Administrative Area has the primary responsibility on behalf of the University to monitor the disclosing Employee’s activities as described herein. The College or Administrative Area has a designated person responsible for this function, hereinafter referred to as College Representative or Area Administrator.

College Representative / Area Administrator:
College or Area: ........................................................................................................
College Rep / Area Administrator: ................................................................................
Title: ............................................................................................................................
Campus Address: .........................................................................................................
Campus Phone: ............................................................................................................
Campus Fax: ................................................................................................................
Campus E-Mail: ............................................................................................................

~
In addition to the Disclosing Employee, the College Representative or Area Administrator is available for consultation with you should you have any questions regarding these relationships or regarding any potential conflicts of interests, including questions concerning research design and conduct, use of University resources, employee or student assignments, and ownership of intellectual property.

~
You may also contact the following representatives concerning these matters:

Department Chair or Unit Supervisor:
Department or Unit: .....................................................................................................
Chair or Unit Supervisor: ............................................................................................
Title: ............................................................................................................................
Campus Address: .........................................................................................................
Campus Phone: ............................................................................................................
Campus Fax: ................................................................................................................
Campus E-Mail: ............................................................................................................

~
DSR-Office of Research Representative:
DSR-OR Representative: ............................................................................................
Title: ............................................................................................................................
Campus Address: .........................................................................................................
Campus Phone: ............................................................................................................
Campus Fax: ................................................................................................................
Campus E-Mail: ............................................................................................................

~
Acknowledgement of This Notification: OR-ID #________

Signature: ____________________________________________

Date: ____________________________________________

☐ Revised version dated: (as applicable)
Notice
and
Agreement by Company

________________________________ ("Company" herein) understands and agrees that all Employees of the University of Florida ("University" herein) are subject to limitations imposed by the University on the time that those individuals may devote to the affairs of the Company. The Company further understands and agrees that the obligations of University Employees to the University, will take precedence over any term or condition of any agreement between the Company and the University Employee and that in any instance where the interest of the Company may conflict with the interest of the University of Florida, University Employees are obligated to resolve such conflict in favor of the University of Florida. Any term or condition of an agreement between the Company and such University personnel which seeks to vary or override such personnel's obligations to the University may not be enforced against such personnel, the University or University of Florida Research Foundation, Inc. (UFRF), without the express written consent of an individual authorized to vary or waive such obligations on behalf of the University and UFRF who is in this instance ____________________.

Reference:
Chapter 112, Florida Statutes
UF Regulation 1.011
University Intellectual Property Policy
Applicable Monitoring Plans

Acknowledged and Agreed:

Company: ____________________________________________________________

By: ____________________________
   (signature)
   Title: ____________________________
   Date: ____________________________

Template_AgrbyCo_V01-01-2004 – B8b
University of Florida
Monitoring Plan for Potential Conflicts of Interest
Review Checklist

Name of Employee: ________________________________
Department/Unit: __________________________________
College/Area: _____________________________________
Phone # for Contact: _______________________________
Campus PO Box: ___________________________________

Date of This Review: ________________________________

Review Type (cycle): ☐ Annual; ☐ Semi-Annual; ☐ Quarterly;
☐ Other; explain

Monitoring Plan Related To:
Company Name: ___________________________________
Other Related: ______________________________________

OR Case ID#: ___________________________________

1) Have your relationship(s) with the company as well as the research and/or license agreements
with the company giving rise to your current Monitoring Plan changed?
   ☐ Yes    ☐ No
   If Yes, please explain:

2) What positions do you currently hold with the company? Please state all titles of the
   position(s). Indicate if any are new.

3) Do you currently own any stock or have any other ownership interest in the company?
   ☐ Yes    ☐ No
   If Yes, please state the percent:

4) Do you currently consult with the company?
   ☐ Yes    ☐ No
   If Yes, please explain:

5) Are there any changes in any research agreement or to a license agreement between the
   company and the University or the University of Florida Research Foundation, Inc.?
   ☐ Yes    ☐ No
   If Yes, please explain:
6) Are you involved in any pre-clinical or clinical trials associated with the IP covered under your current Monitoring Plan? Please attach a copy of your approved informed consent (as applicable).

☐ Yes  ☐ No

If Yes, please identify sponsor, protocol title, PI / co-PI(s), location of trial and list IRB approval ID#:

Describe:

7) Please list all students, post-docs and other trainees under your supervision and provide their email addresses.

☐ None  ☐ Described below:

8) Please list all UF employees under your supervision or that you evaluate and provide their email addresses.

☐ None  ☐ Described below:

9) Please list all new and continuing university employees that have an association or financial interest in the company(s) that is the subject of your current Monitoring Plan.

☐ None  ☐ Described below:

10) Please provide a list of all publications or in-press articles published or accepted since the last reporting period. Copies of these publications shall be made available to the COI Monitor if requested.

☐ None  ☐ Attached

11) Has the compensation plan as outlined in your approved Request for Exemption and/or Monitoring Plan changed?

☐ Yes  ☐ No

If Yes, please explain:

Note: If this is an ANNUAL REVIEW please attach an approved Disclosure of Outside Activities and Financial Interests form for this activity.

The Employee has provided the information listed above to ensure compliance with the full disclosure requirements of the University of Florida. All information is true and correct to the best of Employee’s knowledge at the time of the discussion with the College Representative or Area Administrator as applicable.
College Representative or Area Administrator Page

The College Representative or Area Administrator has established the following:

(mark only items that apply)

☐ The Corresponding Request for Exemption (if applicable);
  ☐ Should be amended
  ☐ Is no longer required

Comments (if applicable):

☐ Monitoring Plan;
  ☐ Exhibit A should be updated
  ☐ Monitoring Plan should be updated
  ☐ Monitoring Plan is no longer required
  ☐ Monitoring Plan review is complete and the current Monitoring Plan acceptable

Comments (if applicable):

Certification by the College Representative or Area Administrator performing this review:

This review and discussion with the Employee was conducted in accordance with the terms and conditions of the University of Florida Conflict of Interest Monitoring Plan, established for the Employee under OR Case ID__. All necessary updates, changes and any new Monitoring Plan have been made and implemented.

Signature
Print Name:  
Title:  
College/Area:  

Template_MP Review Checklist_V08-2012 — B8c
Appendix C

Special Restrictions on Receipt of Gifts and Honoraria for "Reporting Individuals" and "Procurement Employees"

SUMMARY

University of Florida “Reporting Individuals” and “Procurement Employees” should be aware of restrictions placed on their receipt of gifts and honoraria from lobbyists (including principals of lobbyists) and vendors. These restrictions are in addition to the restrictions set forth in the Florida Code of Ethics for Public Employees, which prohibits gifts when based upon the understanding that the employee’s official actions would be influenced by the gift or the acceptance of any compensation, payment or anything of value when the employee knows or should know that it is given to influence official actions. These restrictions are also in addition to those found in the University’s Standard of Conduct concerning Purchases.¹

Affected employees may not solicit any gift from a lobbyist or vendor nor may they accept certain gifts or expenditures from a lobbyist or vendor. Affected employees may not solicit an honorarium from anyone if the honorarium is related to the employee's duties. They may not accept honoraria from a lobbyist or vendor although some employees may accept payment for their expenses for attending an honorarium event.

EMPLOYEES AFFECTED BY THE LAW

The laws concerning gifts and honoraria discussed in this appendix apply to University of Florida employees who are considered under Florida law to be either "Reporting Individuals" or "Procurement Employees." "Reporting Individuals" are required to disclose certain financial interests and gifts on a yearly basis under the provisions of Florida law. (Please refer to Section IV(7) of the Guidelines.) Reporting Individuals include purchasing agents (persons with signature authority for contracts) having the power to make any purchases exceeding the threshold for Category One purchases (currently $20,000), certain finance and accounting, business and personnel officials, grant coordinators, legal counsel, deans, the president and vice presidents of the university, and members of the board of trustees. Those persons identified by the university as "Reporting Individuals" receive an annual disclosure form for financial interests from the Commission on Ethics. In addition to making that and other required disclosures, they must also comply with the restrictions and requirements concerning gifts and honoraria described in this appendix.

"Procurement Employees," who need not necessarily make an annual disclosure of financial interests, must also comply with certain of these restrictions and requirements. A "Procurement Employee" is defined as a state employee "who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request,

¹ Please refer to Section IV(3) of the Guidelines.
influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities . . . if the cost of such services or commodities exceeds $10,000 in any year.” The category of Procurement Employee is considerably broader than that of Reporting Individuals. It includes employees who have any part in making decisions concerning a purchase or the auditing or investigation of the purchase. For example, a faculty member who recommends that a certain piece of equipment costing $15,000 be purchased would be considered a Procurement Employee although the faculty member might not be considered a Reporting Individual. An employee using a P-card, even if not a Reporting Individual, is a Procurement Employee if the cost of purchases exceeds, or is expected to exceed, $10,000 in any fiscal year. A P-card holder authorized to make a purchase of $20,000 or more is a “Reporting Individual.”

DEFINITION OF "LOBBYIST" and “VENDOR”

A "lobbyist" is defined as a person who "is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying." "Lobbying" means "seeking, on behalf of another person [a company or firm as well as a natural person], to influence" the university with respect to a decision of the university in the area of general policy or procurement (making purchases for the university) or "an attempt to obtain the goodwill" of a university employee. A person who is principally employed for governmental affairs by another person or entity to lobby on behalf of that other person or entity is also considered a lobbyist.

A lobbyist does not include an attorney or other representative in any hearing or proceeding of the university, an employee of the university acting in the normal course of the employee's duties, a confidential informant to law enforcement, or a person lobbying to secure a contract for purchases at the Category One level as defined under state purchasing law.

Lobbyists are required to register and make quarterly reports to the State of Florida Commission on Ethics.

A “vendor” is a business entity doing business directly with the University of Florida, such as renting, leasing, or selling any realty, goods or services.

GIFTS

The term "gift" has been comprehensively defined in the law to mean anything accepted by an employee, by another person on the employee's behalf, or directly or indirectly paid or given to the employee when equal or greater payment is not given within 90 days of receipt. A promise to pay or otherwise provide something of value will not be considered a payment "unless the promise is in writing and enforceable through the courts.” The following, for example, may be considered gifts: real property; the use of real property; personal property; personal services; preferential rates or terms on a debt, loan, goods or services; forgiveness of a debt; transportation, lodging, or parking; food or beverages; membership dues, entrance fees, admission fees, or tickets to events; and plants, flowers, or floral arrangements. The term "gift"
does not include certain items such as honoraria (which are defined and addressed below) and awards given in recognition of public, civic, charitable or professional service.

Both Reporting Individuals and Procurement Employees are prohibited from soliciting any gift from a lobbyist or the employer, firm, partner or principal of a lobbyist, from a vendor doing business with the University, or from a political committee. Reporting Individuals and Procurement Employees may not accept any gift from a political committee. Procurement Employees are also prohibited from knowingly accepting, directly or indirectly, any gift which has a value in excess of $100 from a lobbyist (or principal of a lobbyist) or vendor. Reporting Individuals may not accept any expenditure for lobbying purposes from any executive branch lobbyist or any principal of such a lobbyist. They should not accept any gifts from a lobbyist, principal of a lobbyist or vendor.

A lobbyist or vendor is prohibited from giving, either directly or indirectly, a gift that has a value in excess of $100 to a Procurement Employee. A political committee is prohibited from giving any gift to a Procurement Employee. A lobbyist, vendor, or political committee is prohibited from giving any gift to a Reporting Individual. The only exception to this prohibition occurs when the gift is intended to be given or accepted on behalf of the governmental entity itself or a charitable organization (i.e., the University of Florida or the University of Florida Foundation). However, in such cases the gift must be immediately transferred to the university or the foundation.

There are a few exceptions to these gift restrictions. The restrictions do not apply to gifts solicited or accepted from a "relative" as defined in the law. Further, a state agency or other state or local governmental entity may give a gift to a Reporting Individual or Procurement Employee if a public purpose can be shown for the gift. In addition, a direct support organization, such as the University of Florida Foundation, the University of Florida Research Foundation, or the University Athletic Association, may give such a gift to a Reporting Individual or Procurement Employee when that employee is employed by the government entity which the direct support organization supports. For example, the University of Florida Foundation could give a gift to a University of Florida employee. The governmental entity and direct support organization must report these gifts annually to the employee if over $100 in value. The report must be made by March 1 of each year for the preceding calendar year. The employee, in turn, must file an annual statement describing these gifts with the Commission on Ethics. These annual reports are to be made by July 1.

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2 The prohibition on gifts from political committees are those gifts that are not primarily related to contributions, expenditures or other political activities as set forth in Chapter 106, Florida Statutes.

3 A relative is defined as “an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.
Each Procurement Employee and Reporting Individual is required to file a quarterly disclosure of all gifts in excess of $100 except gifts otherwise reported or gifts from relatives. This requirement is in addition to the annual report of gifts from governmental entities and direct-support organizations described in the previous paragraph.

HONORARIA

Significant restrictions are imposed on the ability of Procurement Employees and Reporting Individuals to receive honoraria. Under the law, the term "honorarium" means a payment of money or anything of value to a Reporting Individual or a Procurement Employee (or to any other person on his or her behalf) for a speech or other oral presentation, whether presented in person, via broadcast or recorded, or a "writing," other than a book, which is to be or is intended to be published. The term does not include payments for services related to outside employment or ordinary salary payments for services related to the employee's public duties, nor does the term honorarium include the payment of reasonable transportation, lodging, and food and beverage expenses for the employee and the employee's spouse related to an honorarium event.

A Reporting Individual or Procurement Employee may not solicit (ask for) an honorarium which is related to his or her public office or duties from anyone, including a lobbyist or vendor. The law prohibits a Reporting Individual or Procurement Employee from knowingly accepting an honorarium from a lobbyist or vendor. A lobbyist or vendor is likewise prohibited from giving an honorarium to a Reporting Individual or Procurement Employee.

If an honorarium, as defined above, is offered by a lobbyist or vendor, the employee should suggest that the money be donated to the University of Florida Foundation or another appropriate direct support organization of the University of Florida. The check should be made out to the direct support organization and not to the employee in order that the income not be imputed to the employee.

A Reporting Individual or Procurement Employee may accept reasonable expenses for the employee and spouse which are related to the honorarium event4. If a lobbyist or vendor pays the expenses related to an honorarium event, the lobbyist or vendor must provide a statement to the employee no later than 60 days after the event with details of the expenditure. The employee must disclose this information to the Department of State on an annual statement. These honorarium expense reports are due on July 1 of each year for the preceding calendar year.

Violation of the law on gifts and honoraria may subject the receiver and the giver of the gifts and honoraria to significant fines and restrictions on lobbying activities.

Reporting forms are available from the Florida Commission on Ethics website at http://www.ethics.state.fl.us/. A chart summarizing the requirements concerning gifts and honoraria for "Reporting Individuals" and "Procurement Employees" follows.

4 A Reporting Individual, however, may not accept the payment of these expenses if they represent expenditures by lobbyists for lobbying purposes.
### SUMMARY CHART:
**REQUIREMENTS CONCERNING GIFTS AND HONORARIA FOR UNIVERSITY REPORTING INDIVIDUALS AND PROCUREMENT EMPLOYEES**

<table>
<thead>
<tr>
<th>GIFTS (does not Include gifts to relatives)</th>
<th>Solicitation</th>
<th>Accepting</th>
<th>Reporting to Commission on Ethics</th>
</tr>
</thead>
<tbody>
<tr>
<td><em><em>May not solicit gift from “lobbyist,”</em> vendor, or political committee.</em>*</td>
<td><strong>May not accept gift from a “lobbyist” vendor, or any gift from a political committee.</strong></td>
<td><strong>Quarterly report of all gifts in excess of $100, except gifts from relatives. (Form 9).</strong></td>
<td></td>
</tr>
<tr>
<td><strong>May not accept gift of more than $100 value from a “lobbyist” vendor, or any gift from a political committee.</strong></td>
<td><strong>Quarterly report of all gifts in excess of $100, except gifts from relatives. (Form 9).</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reporting Individual:</strong></td>
<td><strong>Report to Commission on Ethics:</strong></td>
<td><strong>Annual report of gifts in excess of $100 received from a governmental entity or direct support organization. (Form 10).</strong></td>
<td></td>
</tr>
<tr>
<td><strong>May not accept any Expenditure from a “lobbyist,” or gift from a political committee. Should not accept any gift from a vendor or “lobbyist.”</strong></td>
<td><strong>Annual report of payments of expenses of honorarium events. (Form 10).</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HONORARIA</th>
<th>May not solicit honorarium from anyone if related to the employee's public duties.</th>
<th>May not accept honorarium from a &quot;lobbyist&quot; or vendor.</th>
<th>Annual report of payments of expenses of honorarium events. (Form 10).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>May accept payment of expenses of employee and spouse for honorarium event, except, in the case of a Reporting Individual, if those payments are expenditures for lobbying purposes.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*"Lobbyist" throughout this chart includes a lobbyist who lobbies the University of Florida, and the partner, firm, employer, or principal of the lobbyist. For purposes of the gift restrictions on “Reporting Individuals,” a “lobbyist” includes any lobbyist registered to lobby (or required to be registered to lobby) the executive branch of state government and any principal of such a lobbyist. Revised July 2015*