

SUMMARY: KEY DOING BUSINESS RESTRICTIONS, FLORIDA ETHICS LAW— AND UNIVERSITY OF FLORIDA ETHICS POLICY

1. Restrictions on UF Employees and Trustees Having a Contractual or Employment Relationship with Entities that Contract or Do Business With UF.¹

A UF employee or trustee may not have an employment or contractual relationship with an entity (private or Florida public) that is doing business with or regulated by UF, with limited exceptions. There are some exceptions, including sealed bid procurements. Service on an entity's governing board or advisory committee; owning any amount of stock or equity interest in an entity; or being employed by or having a consulting or other contract with an entity, for example, is generally regarded by the Ethics Commission as an employment or contractual relationship with that entity. (If a UF employee has no involvement in and no direct or ultimate accountability for UF decisions or work respecting a contract or business between UF and another entity, Ethics Commission opinions may not prohibit the UF employee from having an employment or contractual relationship with the entity. Disclosure to and approval of the appropriate UF authority through the Disclosure of Outside Activities and Financial Interests Form and Process is required. Contact UF's Vice President and General Counsel for assistance.)

2. Exception Regarding Uncompensated, Volunteer Service on a Nonprofit Board (Not Applicable to Compensated Service or to Service to For-Profits)

Under Ethics Commission opinions, a UF employee's or trustee's unpaid volunteer service on a *nonprofit* entity's board of directors-- without any compensated employment, consulting or other contract with that nonprofit entity--is *not* treated as an employment or contractual relationship with that nonprofit. (Mere reimbursement of expenses incurred in such volunteer service does not change the analysis but, under one Ethics Commission opinion, even a \$2 payment that isn't a mere reimbursement of costs is treated as creating a contractual or employment relationship.)

Thus, an employee's or trustee's volunteer, uncompensated service on a *nonprofit* Board of Directors or committee generally would neither create a prohibited conflict for the employee or trustee, nor prohibit UF from entering into business relationships and contracts with that nonprofit entity. Existing opinions support this conclusion and there is also generally no appearance of conflict problem, *as long as* the employee or trustee is recused (on both sides—for UF and the nonprofit entity) from marketing, negotiating, securing or performing work under contracts or in the relationship between UF and the nonprofit entity. The facts of each situation need to be evaluated, however, so please contact UF's Vice President and General Counsel if the situation arises for a determination. Disclosure to and approval of the appropriate UF authority through the Disclosure of Outside Activities and Financial Interests Form and Process for employees, or through the trustee Disclosure Form for trustees, is required.

¹ Florida Ethics Law, Chapter 112.313(7)(first sentence).

3. Prohibition Against Selling, Purchasing, Leasing, Renting Goods, Services, Realty To Or For UF²

A UF employee or trustee should not be personally involved (directly or indirectly, behind the scenes or in front) in selling, purchasing, leasing or renting any goods, services or real estate to UF on his or her own personal or professional behalf--or as an agent, employee, or representative of others (e.g., for another entity on whose board or committee s/he serves, for his or her family or friends, for his or her employer, or for his or her clients). A UF employee or trustee also should not purchase, lease or rent goods, services, or realty for UF from any business entity in which s/he and/or his or her spouse or child, is a partner, director, officer, or proprietor, or has a more than 5% interest in the entity's total assets or capital stock.

4. Duty To Avoid Frequently Occurring Conflicts³

A UF employee or trustee should not have any employment or contractual relationship with another entity (public, private, for profit or nonprofit) or individual, while serving as a UF employee or trustee: (1) *if* the relationship poses a *frequently* occurring conflict between the employee's or trustee's duties to UF and his or her duties to the other entity or individual, or (2) *if* an employee's or trustee's relationship with the other entity or individual interferes with his or her "full and faithful performance" of duties to UF. Each situation should be assessed and the UF VP and General Counsel is available for assistance.

5. Outside Activities and Financial Interests

For a more comprehensive discussion of UF, Florida and federal conflict of interest and outside activity and financial interests requirements as well as disclosure forms, please see "Guidelines, Policies, and Procedures on Conflict of Interest and Outside Activities, including Financial Interests" at <http://www.generalcounsel.ufl.edu/downloads/COI.pdf>.

6. University of Florida Ethics Policy

The University of Florida Board of Trustees has established the following Ethics Policy for the University of Florida:

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.

The trustees and the senior officers of the University will affirm in writing on an annual basis their commitment to this Ethics Policy.

The Ethics Advisor for the University of Florida is the Vice President and General Counsel, 123 Tigert Hall, Post Office Box 113125, Gainesville, Florida 32611, 352-392-1358 office or 352-392-4387 facsimile. (Adopted by the Board of Trustees, September 10, 2004.)

² Section 112.313(3), Florida Statutes.

³ Section 112.313(7) (second sentence) and appearance of a conflict.