



Conflict of Interest # 1710.075

INITIAL EFFECTIVE DATE: July 2005	LAST REVISION DATE: March 18, 2022	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT Division of Human Resources Employee & Labor Relations
---	--	--

POLICY STATEMENT

An Outside Activity must be reported so that the University may determine whether an actual or perceived Conflict of Interest/Commitment exists. An Outside Activity does not have to be reported if it is unrelated to the employee’s expertise or is not part of the employee’s assignment provided that the Outside Activity does not constitute a Conflict of Interest, Conflict of Commitment or involve a Foreign Activity. When in doubt, report the Outside Activity. Below are illustrative examples of some Outside Activities that must be reported and some that generally do not have to be reported.

OUTSIDE ACTIVITY THAT DOES NOT NEED TO BE REPORTED UNLESS THERE IS A CONFLICT OF COMMITMENT OR THE ACTIVITY INVOLVES A FOREIGN ENTITY/PERSON	OUTSIDE ACTIVITY THAT MUST BE REPORTED
Volunteering or engaging in community service activities (e.g., coaching youth sports programs, volunteering at church, participating in community clubs/service organizations)	Compensated or uncompensated employment, consulting, or other professional services related to the employee’s expertise
Engaging in hobbies such as beer brewing	Compensated or uncompensated business leadership roles related to the employee’s expertise
Employment outside of the employee’s normal working hours (or while taking leave) which is unrelated to the employee’s expertise (e.g., selling crafts as a community event)	Management positions or financial interests in outside entities that have or are in the process of having contracts with FIU or that engage in activities that may conflict with FIU activities (e.g., research)
Managing the employee’s own rental properties or other real estate interests	Research to be conducted that is not coordinated with FIU



Participating in scientific or educational conferences or other events while representing FIU	Any Outside Activity or management position in an outside entity that sponsors the employee’s work or licenses intellectual property/technology from FIU
Reviewing proposals for a federal or state government sponsor or a domestic non-profit organization	Serving as an expert witness or legal consultant
Membership in an academic or professional society that is not serving on the entity’s board or performing a fiduciary role	Teaching, research, or other service appointment at another institution
Receiving honors, academic awards, or an honorary degree from a non-profit entity	Writing or editing a publication unless such activity could be considered part of the employee’s assignment
Serving as an external member of a thesis or dissertation committee	Receiving from an outside entity any royalties, licensing fees, or other income from patents, copyrights, or other intellectual property related to the employee’s expertise
	Receiving income from copyrighted works (e.g., textbooks) that the employee assigns to students in his/her course/program
	Running for public office or holding elected office

SCOPE

This policy applies to all employees except in-unit faculty. In-unit faculty should refer to the FIU/BOT & UFF Collective Bargaining Agreement.

REASON FOR POLICY

The University encourages employees to engage in activities supporting their professional development and innovation and furthering the University’s mission of high-quality teaching, state-of-the-art research and creative activity, and collaborative engagement with our local and global communities. An employee’s primary duty is to the University and to maintain the highest ethical and professional standards. An employee is bound to observe, in all official acts, all applicable federal and state laws, including the State Code of Ethics (Chapter 112, Part III, Florida Statutes), and Board regulations. An employee’s Outside Activity (defined below) must not conflict, or appear to conflict, with the employee’s obligations to the University.



DEFINITIONS	
TERM	DEFINITIONS
Outside Activity	shall mean anything a University employee does for an organization or an individual other than the University that is related to the employee’s expertise (i.e., not part of the assigned duties or faculty annual assignment). Such activities include those where no compensation has been provided or the third party provides anything of monetary value, other than that provided directly by the University, whether or not the value is readily ascertainable. Such activities include any private practice, private consulting, additional teaching or research, affiliations, activities, interests or collaborative projects with any foreign university, entity, or government, and any involvement in any talent programs (e.g., programs in which the employee has been recruited by a foreign university, entity or government). Reporting an Outside Activity is a requirement; see examples listed in the Policy.
Conflict of Interest	shall mean an Outside Activity that: (1) constitutes any conflict between the private interests of the employee and the public interests of the University, the Board of Governors, and/or the State of Florida; (2) interferes with the full performance of the employee’s professional or institutional responsibilities or obligations; and/or (3) affects the integrity of the University. Conflicts of Interest can also arise when there is a disclosure of intellectual property with entities in which the employee, who may be a creator of the intellectual property, has a personal or financial interest or where the entities may be adverse to the University’s interest.
Monitoring Plan	shall mean a written plan to manage a Conflict of Interest/Commitment that provides oversight to the employee’s Outside Activity so that the Outside Activity can fall within the manageable Conflict of Interest/Commitment.
Conflict of Commitment	shall mean when an employee engages in an Outside Activity that the University determines interferes with the employee’s assigned duties or assignment (e.g., involves frequent or prolonged absences from the University on non-University business or activities that engage a substantial portion of the time an employee is expected to spend on assigned duties or University-related activities).



ROLES AND RESPONSIBILITIES

All employees will disclose any Outside Activity and obtain approval before engaging in such activity.

Approvers will carefully review the activity to ensure there is not a conflict.

Division of Human Resources will provide guidance and approve/deny requests.

RELATED RESOURCES

Florida Code of Ethics (Chapter 112, Part III, Florida Statutes)

FIU Policy 140.105

FIU Policy 2370.005

FIU Procedure 140.105(a)

CONTACTS

Florida International University
Division of Human Resources
Employee & Labor Relations, PC 236
Miami, FL 33199
Telephone: 305-348-4186
email: ELR@fiu.edu

HISTORY

Initial Effective Date: July 2005

Review Dates (*review performed, no updates*): N/A

Revision Dates (*updates made to document*): April 29, 2021 (policy template format only);
March 18, 2022.



Conflict of Interest # 1710.075

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
March 18, 2022	March 18, 2022	Division of Human Resources Employee & Labor Relations

PROCEDURE STATEMENT

1. A review of the Outside Activity will determine one of the following:
 - a. Not a Conflict of Interest/Commitment. When this determination is made, the employee is permitted to engage in the Outside Activity.
 - b. A Manageable Conflict of Interest/Commitment. When this determination is made, the University may:
 - 1) require that the employee limit the Outside Activity;
 - 2) require that the employee reduce his/her/their effort for either the Outside Activity or with the University;
 - 3) require that the employee take a leave of absence for the duration of the Outside Activity;
 - 4) permit the activity conditioned on the employee’s adherence to the terms of a Monitoring Plan developed by the University to manage the conflict; or
 - 5) implement other measures that the University deems reasonable to eliminate the potential or actual Conflict of Interest/Commitment.
 - c. Prohibited Conflict of Interest/Commitment. There are no changes that can be implemented to eliminate or reduce the conflict to a manageable level. In that case, the employee cannot engage in such Outside Activity.

2. Disclosure of an Outside Activity.
 Regardless of whether the Outside Activity occurs during a University assignment or appointment, an employee must disclose the Outside Activity through the Outside Activity/Conflict of Interest form located in the [FIU Employee Portal](#) and receive approval from all approvers before engaging in the Outside Activity. The employee is required to disclose under the following circumstances:
 - a. After accepting an offer of hire or within thirty (30) days from the date of hire by the University unless the date of hire coincides with the annual disclosure period;
 - b. During the annual disclosure period (typically during the fall) even if the employee has no Outside Activity;
 - c. Before engaging in or committing to engage in a new Outside Activity which occurs after the annual disclosure period; or

d. When there has been a significant change in a previously reported Outside Activity.

3. Failure to Disclose

Employees are not permitted to engage in any Outside Activity without prior approval. Failure to disclose may lead to appropriate discipline. Any employee who is participating in an externally funded sponsored research project is required to disclose or be suspended without pay pending the outcome of an investigation which shall not exceed sixty (60) days. Upon the conclusion of the investigation, FIU may terminate the employee as required by Florida Statute 1012.977.

4. Use of University Resources.

An employee engaging in any Outside Activity shall not use FIU employees, students, facilities, equipment, or services (University resources) in connection with such Outside Activity without prior approval of the President or designee. Approval for the use of University resources may be conditioned upon reimbursement for the use thereof.

5. No University Affiliation.

An employee engaging in Outside Activity shall 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. Such precautions include, but are not limited to, first obtaining a written license agreement to use any FIU trademarks from Strategic Communications, Government and External Affairs prior to any FIU trademark being used.