



University Community (faculty, staff and students)

SUBJECT (R*)	EFFECTIVE DATE (R)	PROCEDURE NUMBER
Ethics in Purchasing for Research and Intellectual Property Contracts under Florida Law	August 3, 2009	2370.005(a)

PROCEDURE STATEMENT (R)

Florida law prohibits a University employee acting in his or her official capacity as a purchasing agent from either directly or indirectly purchasing, renting, or leasing any realty, goods, or services on behalf of the University from any business entity in which the University employee or his/her spouse or child is an officer, partner, director, or proprietor or in which such University employee or his/her spouse or child, or any combination of them, has a material interest of more than 5 percent of the total assets or capital stock. Nor shall a University employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the University. Florida law also prohibits any University employee from having any employment or contractual relationship that would create a “continuing or frequently recurring” conflict between the University employee’s private interests and the performance of his/her duties at the University.

In very limited circumstances, Florida law permits these activities when related to the University’s research and/or technology transfer endeavors, as detailed in University policy #140.105, Ethics in Purchasing and Gift Policy. Specifically, the exemption is applicable to matters relating to the Office of Research and Economic Development (ORED) when a transaction is to be made pursuant to Fla. Stat. Section 1004.22 (the sponsored research statute) or s. 1004.23 (the intellectual property statute) and the transaction is specifically approved by the University president and the chair of the University board of trustees.

A University employee who wishes the University to enter into any of the following transactions (including contractual relationships) must seek University approval as required by these procedures prior to such transaction being effectuated:

1. The University employee seeks for the University to enter into a transaction (including a contractual relationship) with an entity in which the University employee or his/her spouse or child is an officer, partner, director, or proprietor or in which the University employee or his/her spouse or child, or any combination of them, has a material interest of more than 5 percent of the total assets or capital stock or;
2. The University employee seeks for the University to enter into a transaction (including a contractual relationship) that would create a continuing or frequently recurring conflict between the University employee’s private interests and the performance of his/her duties at the University; or
3. The University employee, acting in his/her private capacity, seeks to rent, lease, or sell any realty, goods, or services to the University; or
4. The University employee seeks to have an outside employment or contractual relationship that would create a “continuing or frequently recurring” conflict between the University employee’s private interests and the performance of his/her duties at the University.

As noted above, in order to fall within the exemption in the Florida statutes, the above transactions must all be in furtherance of the University’s research or intellectual property endeavors.

If any of the above circumstances exist, the University employee who desires the University to approve the transaction at issue must complete both of the following items to begin the review process:

1. The “Report of Outside Activity/Conflict of Interest” electronic portal disclosure at http://hr.fiu.edu/index.php?name=conflict_of_interest, and
2. The Request for an Exemption/Disclosure under Section 112.313(12)(h) form on the ORED website in order to seek approval of such activity.

The University employee should forward the Request for An Exemption/Disclosure under Section 112.313(12)(h) form to the Office of Research Integrity in ORED. The appropriate University officials as set forth in the Report of Outside Activity/Conflict of Interest

and the Request for An Exemption/Disclosure under Section 112.313(12)(h) form shall review the request and shall contact the University employee for any additional information required. After a determination has been made, the University employee will be advised of the outcome of the review. As noted above, the Florida Statutes require the approval of the University president and the chair of the University board of trustees before the transaction may proceed; thus, those individuals must be among the University officials who approve the proposed transaction. Any approval of the proposed transaction will require the institution of a monitoring plan of the approved transaction addressing the management and mitigation of any conflicts of interest associated with the transaction(s).

RELATED INFORMATION (O*)

Office of Finance and Administration Policy #140.105, Ethics in Purchasing and Gift Policy

HISTORY (R*)

These procedures were previously included as part of policy # 2370.005, Conflict of Interest in Research, which was revised effective August 24, 2012 to delete those Procedures. The Procedures are now addressed separately in this document.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Office of Research and Economic Development
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Office of Research Integrity
Florida International University
11200 S.W. Eighth Street – MARC 430
Miami, Florida 33199
Telephone: (305) 348-3024

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at <http://policies.fiu.edu/>.

For any questions or comments, the “Document Details” view for this procedure online provides complete contact information.

FORMS/ONLINE PROCESSES (O)

Request for an Exemption/Disclosure Under Section 112.313(12)(h), Florida Statutes

Link(s) to the above referenced Forms available in the "Document Details" Section of the online version of this policy document.

***R = Required**

***O = Optional**