

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-6.008 Outside Employment and Outside Activities.

SUMMARY OF THE REGULATION: This regulation advises employees of their duty to comply with the Code of Ethics for Public Officers and Employees and requires that employees get approval of any outside employment or outside activity so that the University can determine whether the proposed employment or activity could create a potential conflict or interfere with the employee's ability to perform his/her job duties.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <<http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>>. If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulations 1.001 and Fla. Stat. Chapter 112 Part III, and §1006.42

NAME OF PERSON INITIATING PROPOSED REGULATION: Gina DeIulio, VP and General Counsel

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: June 28, 2014

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-6.008 Outside Employment and Outside Activities

(1) Purpose. All employees have obligations and professional responsibilities as public employees of the University, which include the requirements of Chapter 112, Part III, Florida Statutes, “Code of Ethics for Public Officers and Employees.”

(2) Statement of Regulation. An employee may participate in Outside Employment or Outside Activities as long as the employment and activities do not violate any state or federal law or regulations, including this regulation, and such employment and activities do not likely conflict with his/her duties and responsibilities to the University. Nothing in this regulation is intended to discourage an employee from engaging in Outside Employment or Outside Activity in order to increase his/her professional reputation, service to the community, or income, subject to the conditions stated in this regulation.

(3) Definitions.

(a) “Outside Employment” means any: employment, private practice, private consulting, teaching, research, or public or private service which may eventually be compensated, either directly or indirectly which is not a part of the employee’s regularly assigned duties by the University.

(b) “Outside Activity” includes activities that are uncompensated or compensated and may include service on boards or commissions, or any other activity which is not part of the employee’s University duties and for which the University does not provide compensation to the employee.

(c) “Compensation” includes any type of remuneration or benefit received by the employee for services rendered by the employee during the Outside Employment or Outside Activity engagement.

(4) Approval of Outside Employment or Outside Activity Required. The duties and responsibilities of the employee’s position at the University are considered the employee’s primary employment; therefore, an employee must complete and submit an Outside Employment/Activity Disclosure Form to Human Resources and secure the approval of Human Resources and the designated University officials before engaging in any Outside Employment or certain Outside Activities.

(5) Use of University Resources. Any employee who wishes to use the University facilities, equipment, services or personnel in connection with Outside Employment or an Outside Activity must include a request for such use and provide information describing the proposed use on the Outside Employment/Activity Disclosure Form. The employee must receive the University officials’ prior written approval for such use before any non-incidental use of University facilities, equipment, services or personnel is permitted.

(6) Outside Activities.

(a) An employee engaging in Outside Activity must take reasonable measures to ensure that the public, outside entity 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.

(b) The employee disclosure requirements shall apply to Outside Activities performed and

interests that are held while an employee is in pay status, or on compensated leave, including professional development leave. Employees are not required to disclose Outside Activities that are performed entirely during a period in which the employee has no appointment with the University; however, the employee should still be aware of and appropriately handle any conflict or potential conflict of interest that may arise from the Outside Activity engagement.

(7) Determination by University. The University officials responsible for approving Outside Employment or Outside Activity will assure that approval for the intended Outside Employment or Outside Activity is granted only when a conflict under this regulation is unlikely. Each disclosure will be evaluated on a case-by-case basis to determine whether the Outside Employment or Outside Activity, if approved, could create a potential or actual conflict of interest, or could interfere with the employee's duties or their primary obligation to the University. The University will notify the employee of any potential or actual conflict of interest with the employee's University job duties that would result from the Outside Employment or Outside Activity. The resolution to a potential or actual conflict of interest may require the employee to cease the Outside Activity or Employment or to divest oneself of the interests that are creating the conflict.

(8) Appeals.

(a) If an employee believes that a request to engage in Outside Employment or Outside Activity has been unduly denied, the employee may send a timely written Letter of Appeal to the Office of the President outlining the concern. The Letter of Appeal must be received by the Office of the President no later than ten (10) days after the date the notification of denial was sent to the employee.

(b) The University President or designee will review the matter and will notify the employee of his/her decision within ten business days of the Office of the President's receipt of the Letter of Appeal.

(c) The decision of the President or designee shall be considered final regarding approval of the Outside Employment or Outside Activity.

(9) Failure to Disclose Activities or Comply with Regulation. An employee's failure to disclose Outside Employment or Outside Activities pursuant to this regulation or University policy or failure to comply with any conditions imposed herein or pursuant to the University's decision regarding approval of such employment or activities may be grounds for taking disciplinary action against the employee. Such University disciplinary action may include, but is not limited to: reprimand, fine, reduction in salary, change of assignment, prohibition of outside employment or activities, suspension without pay, and/or termination for cause.

References: FBOG Reg. 1.001 (3)(j), (5)(a), (8)(d); Fla. Stat. 1004.23

History: NEW - _____

6.28.14