

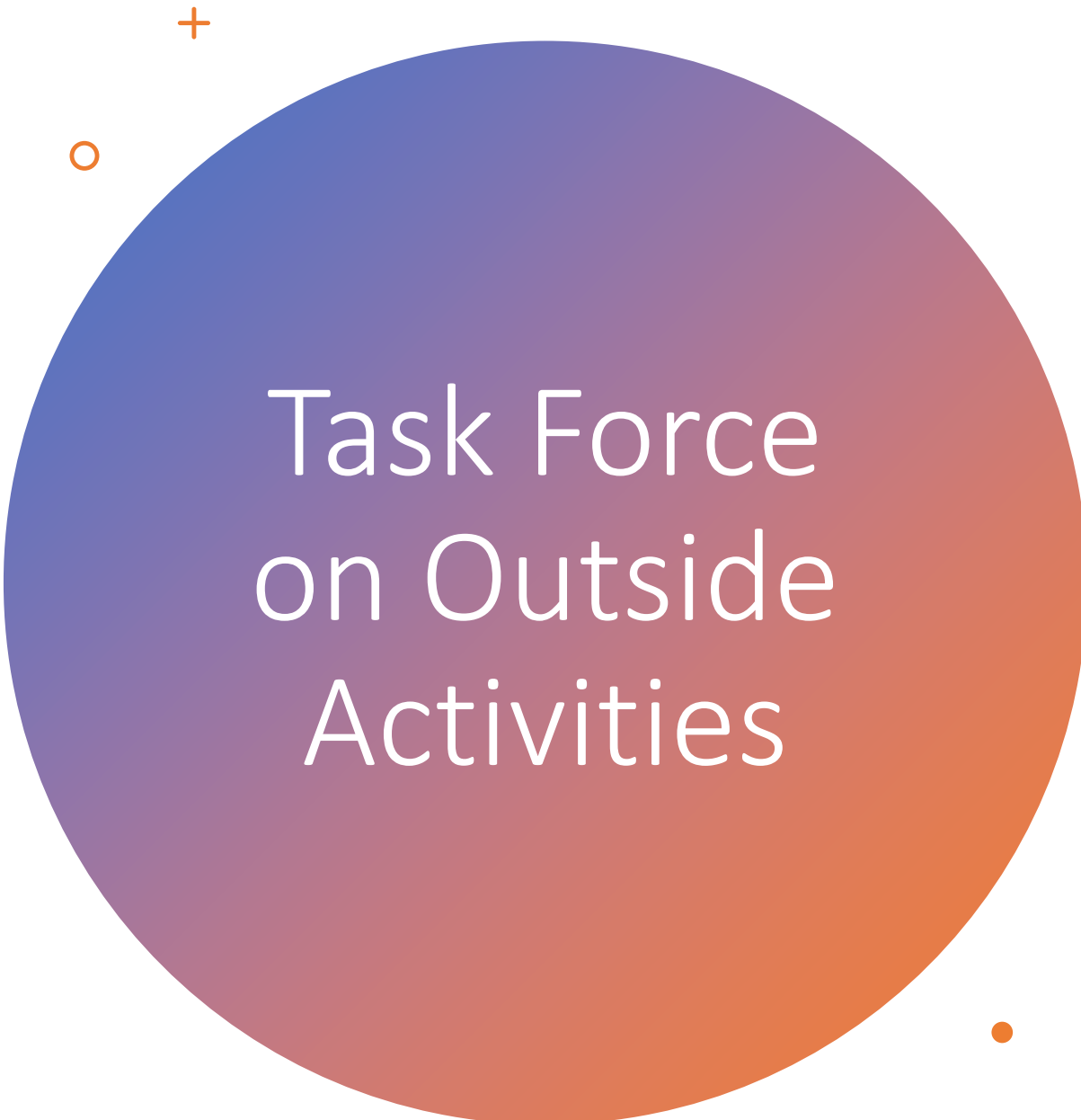
Outside Activities & COI



Joe Glover

For presentation to UF Faculty Senate

December 16, 2021



Task Force on Outside Activities

- Joe Glover – Provost and Chief Academic Officer, Task Force Chair
- Katie Vogel Anderson – Clinical Associate Professor, College of Pharmacy (former Faculty Senate Chair)
- Hub Brown – Dean, College of Journalism and Communications
- Clay Calvert – Professor of Law and Professor of Journalism and Communications, Brechner Eminent Scholar and Director, Marion B. Brechner First Amendment Project
- Terra DuBois – Chief Compliance, Ethics & Privacy Officer, UF
- John Kraft – Professor and Susan Cameron Chair of International Business, Warrington College of Business
- Laura Rosenbury – Dean, Levin College of Law

Task Force report delivered 11/22/2021

Task Force Policy Recommendations (accepted by President Fuchs)

- Publicly affirms the academic freedom of faculty when performing their duties as teachers and scholars;
- Publicly affirms the free speech rights of faculty and staff to comment on matters of public concern set forth by the First Amendment to the U.S. Constitution and Article I, Section 4 of the Florida Constitution;
- Clarifies that such comments, including those to the media, are not reportable as outside activities when made by faculty and staff in their capacities as individual citizens and not on behalf of another person or entity;
- Emphasizes that comments on matters of public concern become reportable outside activities, subject to university review for potential conflicts of interest or conflicts of commitment, as defined in UF policy and the Collective Bargaining Agreement between the UF Board of Trustees and the United Faculty of Florida, when faculty and staff seek to testify as expert witnesses on behalf of a party in litigation;

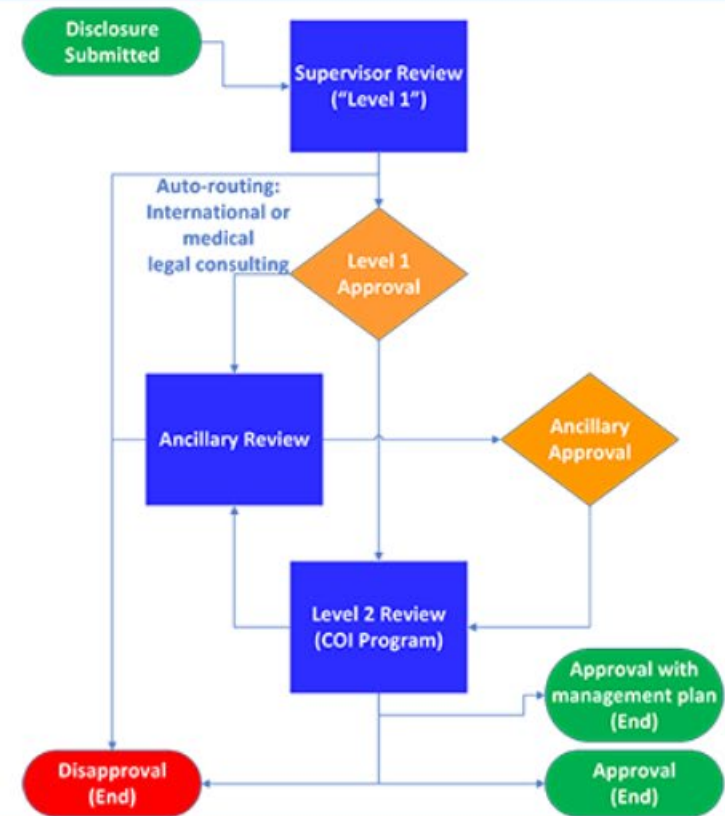
Policy (cont'd)

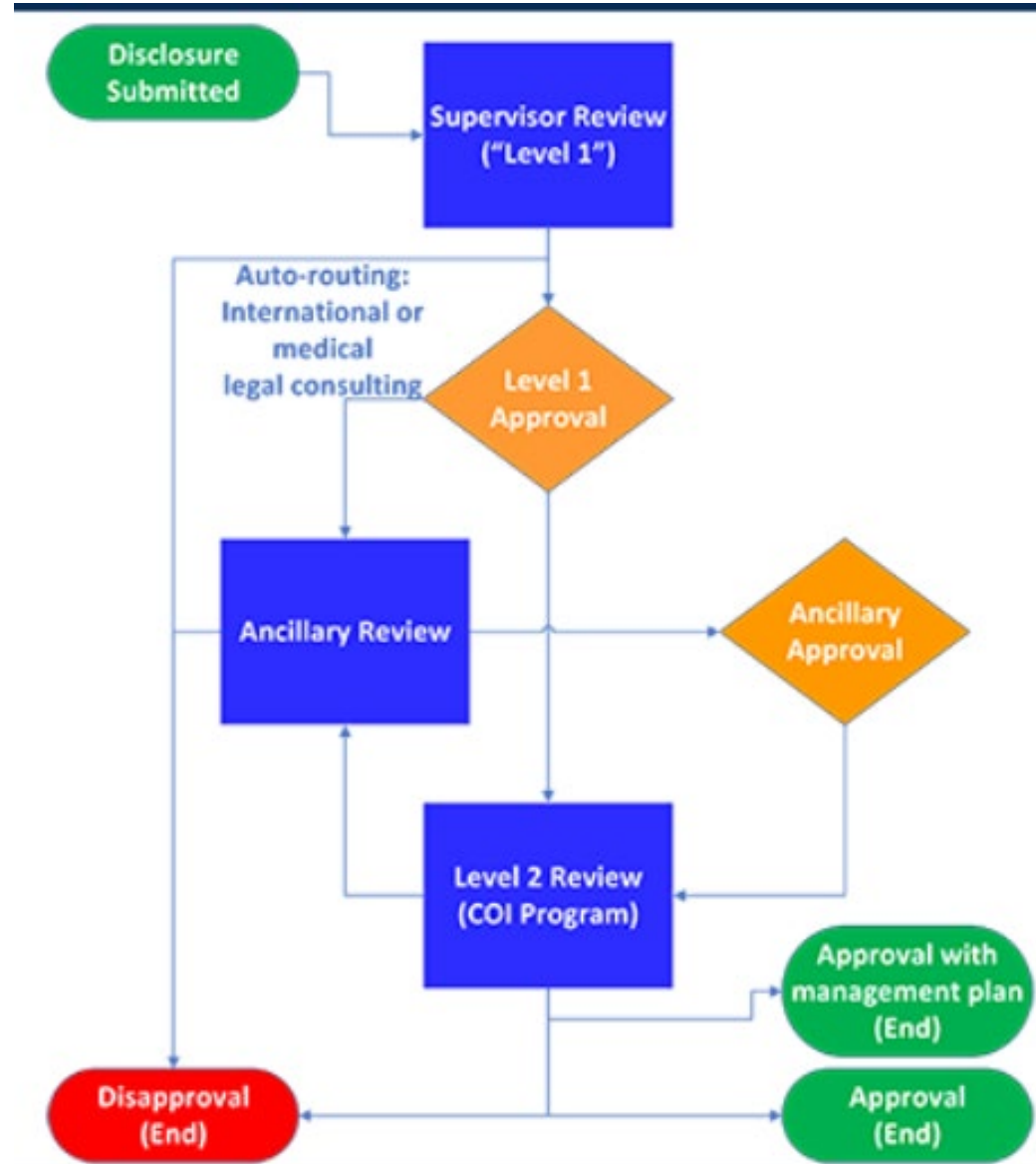
- Establishes a strong presumption that the university will approve faculty or staff requests to testify as expert witnesses, in their capacities as private citizens, in all litigation in which the State of Florida is a party, regardless of the viewpoint of the faculty or staff member's testimony and regardless of whether the faculty or staff member is compensated for such testimony. This presumption is particularly important in cases that challenge the constitutionality, legality, or application of a Florida law;
- Imposes a heavy burden on the university to overcome the strong presumption set forth above, such that requests to serve as expert witnesses in litigation in which the State of Florida is a party may be denied only when clear and convincing evidence establishes that such testimony would conflict with an important and particularized interest of the university, which the university must set forth and explain in writing. A general assertion that such testimony is a conflict of interest is insufficient to rebut the strong presumption in favor of such testimony. Additionally, an undifferentiated fear or apprehension of harm resulting from a conflict is insufficient to rebut the strong presumption in favor of such testimony; and
- Preserves the university's ability to deny requests to serve as expert witnesses when those requests, along with other outside activities, would cumulatively amount to a conflict of commitment.

Who can see my form? Who approves it?

Once your disclosure is submitted, it will go through a review by your supervisor and the COI Program at a minimum. Your information is viewable by your supervisor, department and college leadership, and Conflicts of Interest Program staff.

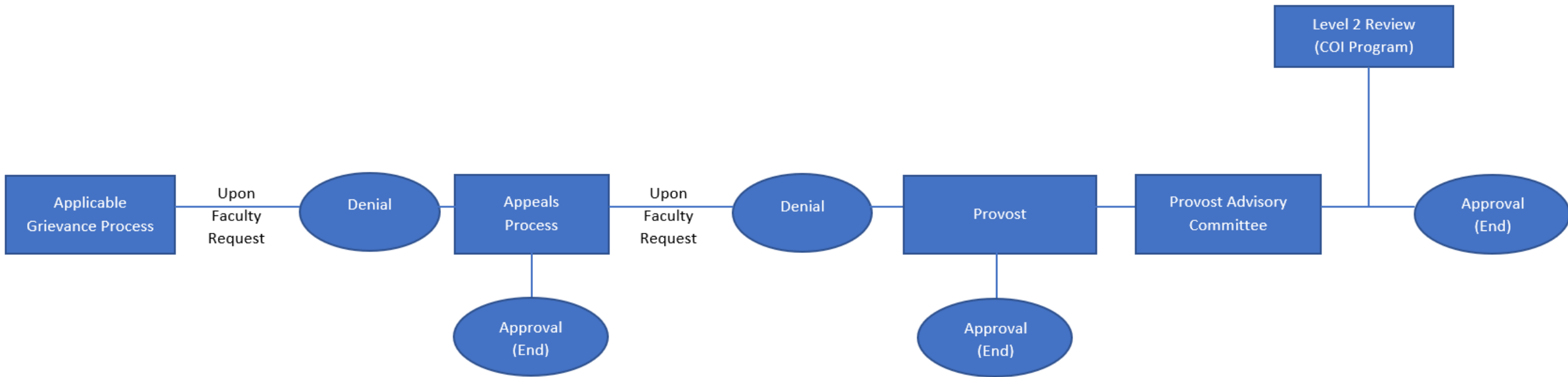
Depending on the type and nature of the disclosure, it may also be routed automatically by UFOLIO or manually by the COI Program to subject matter experts (General Counsel's Office, Division of Research Compliance & Global Support, etc.) who perform an ancillary review.





Revised Process

- Follows on next slide



Notes

- Provost's Advisory Committee:
 - one administrator (named by Prez); 6 faculty members chosen by Faculty Senate Chair and Provost
 - Required to consult with college COI consultant
- Appeal process:
 - Requester appeals within 30 calendar days
 - Panel includes Faculty Senate Chair, Provost, Sr VP for Health Affairs, Sr VP for IFAS, and VPR

Notes

- Revise the operating procedures of the COI Program office to increase transparency in its process. Specifically, the COI Program should:
 - o Revise procedures to include a requirement that all consultations with university subject matter experts that significantly contribute to the COI Program office's determination about an outside activities disclosure are documented within the UFOLIO system.
 - o Require that all disapprovals of disclosures reviewed by supervisors, the COI Program, and ancillary reviewers, include specific reasoning for the disapproval with sufficient detail.