I. PURPOSE & INTENT

All employees of the University of South Florida System (USF System Employees) are public employees of the State of Florida subject to the provisions of Florida Statutes Chapter 112, Part III Code of Ethics for Public Officers and Employees (FCOE). This Policy provides guidance for USF System Employees regarding compliance with the FCOE and related standards of conduct, as well as provisions related to disclosure and acknowledgments concerning matters covered under the FCOE.

II. STATEMENT OF POLICY

A. Solicitation or Acceptance of Gifts

1. No USF System Employee may solicit or accept anything of value, including a Gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the employee’s official actions or judgment would be influenced thereby.

2. No USF System Employee may solicit any Gift from a Lobbyist or USF System Vendor, where such Gift is for the personal benefit of the employee or any other person.

3. No Procurement Employee of the USF System or Reporting Individual may knowingly accept a Gift from a Lobbyist or a USF System Vendor, if he or she knows or reasonably believes the Gift has a value in excess of $100.00. In addition, “Reporting Individuals” are prohibited from accepting any Gift, regardless of value, from any Registered Lobbyist.

4. No USF System Employee or their spouse or minor child shall, at any time, accept any compensation, payment, or other thing of value when the employee knows, or, with the exercise of reasonable care should know, that it was given to influence the official actions of the USF System Employee.
5. Organizational units and departments within the USF System may develop more restrictive Gift guidelines in response to professional or industry compliance standards or recommendations (examples: USF Health, USF Purchasing). Any such guidelines must be filed with the Chief Compliance Officer in the USF System Compliance & Ethics Program.

B. Misuse of Public Position

No USF System Employee shall use or attempt to use his or her USF System position or any property or resource within his or her trust, or perform his or her duties to secure a special privilege, benefit, or exemption for himself, herself, or others.

C. Misuse of Non-Public Information

No current or former USF System Employee may disclose or use non-public information obtained by reason of their University employment for the personal gain or benefit of themselves or any other person or Business Entity.

D. Conflicting Business, Employment, or Contractual Relationships

1. No USF System Employee, acting as a “Purchasing Agent” for the University shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the USF System from any Business Entity of which the employee or employee’s spouse or child is an officer, partner, director, or proprietor or in which such employee or employee’s spouse or child, or any combination of them, has a Material Interest, unless the contract to purchase, rent or lease was entered into prior to the employee beginning employment in the USF System, or another Exemption contained in Florida Statutes §112.313 (12) applies.

2. No USF System Employee shall have or hold any employment or contractual relationship with any Business Entity that is doing business with the USF System, unless the contract to rent, lease, or sell was entered into prior to the employee beginning employment in the USF System, or another Exemption contained in Florida Statutes §112.313 (12) applies.

3. No USF System Employees shall, while acting in a private capacity, rent, lease, or sell any realty, goods, or services to the USF System, unless the contract to rent, lease, or sell was entered into prior to the employee beginning employment in the USF System, or another Exemption contained in Florida Statutes §112.313 (12) applies.

4. No USF System Employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influences the content of any specification or procurement standard, renders advice, investigates, audits or acts in any other advisory capacity in the procurement of Contractual Services may become or be the employee of a person contracting with the USF System.
E. Nepotism

Employment of Related Persons in a single organizational unit or in work related organizational units is permitted only when such employment will not involve or create a Conflict of Interest where an employee could participate in making recommendations or influencing decisions specifically affecting the appointment, retention, work assignments, evaluation, promotion, demotion, or salary of a relative. Prior to the employment of Related Persons or as soon as the relationship is created or discovered, the Provost, Regional Chancellor, or Senior Vice President responsible for the subject organizational unit will determine that a Conflict of Interest will not occur or will require that the employment not occur or cease.

F. Outside Activities and Potential Conflicts of Interest or Commitment

Under the FCOE, a USF System Employee may not have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of University duties or would impede the full and faithful discharge of his or her University duties. In addition, it is the declared policy of the state that no public employee “…shall have any interest, financial or otherwise, direct or indirect: engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest” [Florida Statutes §112.311(5)].

In furtherance of these broad mandates, all USF System Employees are required to disclose (eDisclose) certain outside activities that, if not disclosed and managed through the appropriate conflict review process, could result in an impermissible Conflict of Interest or Conflict of Commitment. All USF System Employees must disclose and receive prior approval for any proposed Outside Activity involving one or more of the following:

1. Activities involving more than incidental use of USF System facilities, equipment, or services; or

2. Activities involving supervision of a USF System student or employee who is also supervised or evaluated within the course of the disclosing employee’s USF System employment; or

3. Activities requiring the waiver or assignment of the employee’s or the USF System’s rights or interests to any inventions or works that may be developed during the course of or from the activity. Written approval from the USF Senior Vice President for Research & Innovation is required for such activities. Such written approval is facilitated by Patents & Licensing; or

4. Activities involving candidacy for or holding public office; or

5. Activities involving compensation. For USF System Faculty (9& 12 month) this disclosure requirement is limited to professional compensated Outside Activity.
There is no such limitation for USF System Administration, Staff, or Temporary employees; i.e., they must disclose all compensated Outside Activity; or

6. Activities that the employee should reasonably conclude may create a Conflict of Interest or Conflict of Commitment.

USF System Employees must take reasonable precautions to ensure that the outside employer or other recipient of the 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 USF System.

Nothing contained in this Policy is intended to discourage an employee from engaging in Outside Activity in order to increase the employee’s professional reputation, service to the community, or income, subject to applicable law, regulations, collective bargaining agreements, and the conditions stated herein.

III. USF System Employee Responsibilities

All USF System Employees have access to eDisclose, the USF System’s online disclosure, review, and acknowledgment system, via the myUSF portal using their USF NetID and login. myUSF is accessed via the following link: https://webauth.usf.edu/login.

A. FCOE Disclosure, Review, and Acknowledgement

Disclosure
All USF System Faculty, Administration employees, and Designated Staff and Temporary employees must annually complete an FCOE disclosure and acknowledgement using the FCOE Form in eDisclose. FCOE disclosures indicating the disclosing employee has a business, employment, or contractual relationship potentially eligible for an exemption under Florida Statutes §112.313 (12) are routed by eDisclose to the USF System Compliance & Ethics Program for review and determination.

Review
The USF System Compliance & Ethics Program is responsible for reviewing and determining on behalf of the USF System whether or not an Exemption contained in Florida Statutes §112.313 (12) applies to a business, employment, or contractual relationship disclosed on the FCOE Form in eDisclose. The USF System Compliance & Ethics Program is responsible for documenting such reviews and determinations in eDisclose.

Acknowledgement
USF System Employees are responsible for acknowledging in eDisclose the determination made by the USF System Compliance & Ethics Program regarding their FCOE disclosures.
B. Outside Activity Disclosure, Review, and Acknowledgement

Disclosure
All **USF System Employees** must disclose and receive *prior* approval for their outside activities involving any activity outlined above using the Outside Activity Form in **eDisclose**: excluding USF Health Faculty, who must disclose and receive *prior* approval for their outside activities involving any activity outlined above in the USF Health Reporting Outside Activities Database (ROAD), accessed via the following link: [https://hsccf.hsc.usf.edu/road/auth.cfc?method=renderLogin](https://hsccf.hsc.usf.edu/road/auth.cfc?method=renderLogin). Outside Activity Forms submitted in **eDisclose** are routed by the system for sequential review by the disclosing employee’s **Supervisor**, **Manager**, and **Senior Manager**.

Review
**Supervisors**, **Managers**, and **Senior Managers** are responsible for **Timely Review** of Outside Activity disclosures in **eDisclose**.

**Supervisors** and **Managers** are responsible for providing a recommendation to the **Senior Manager** as to whether or not a proposed Outside Activity creates or has the potential to create a **Conflict of Interest** or **Conflict of Commitment**. When such conflicts are created or have the potential to be created from a proposed Outside Activity, the reviewing **Supervisor** and **Manager** are responsible for proposing conditions which would mitigate or eliminate the conflicts to the **Senior Manager** as part of their review.

**Senior Managers** are responsible for making the final determination on behalf of the USF System as to whether or not a proposed Outside Activity creates or has the potential to create a **Conflict of Interest** or **Conflict of Commitment**. When such conflicts are created or have the potential to be created from a proposed Outside Activity, the reviewing **Senior Manager** must either require the implementation of conditions which would mitigate or eliminate the conflicts (approve with conditions) or require the activity not occur (disapprove).

Acknowledgement
**USF System Employees** are responsible for acknowledging in **eDisclose** the determination made by their **Senior Manager** regarding their Outside Activity disclosures. When an Outside Activity is approved with conditions, the **USF System Employee** is responsible for ensuring those conditions are met; otherwise the Outside Activity must not occur.

C. Nepotism Disclosure, Review, and Acknowledgement

Disclosure
All **USF System Employees** must disclose the employment of a **Related Person** in their organizational unit or a work-related organizational unit on the FCOE Form in **eDisclose** prior to the employment of the Related Person or as soon as the relationship is created or
discovered. Such nepotism disclosures are routed by eDisclose for sequential review by the disclosing employee’s Supervisor, Manager, and Senior Manager.

**Review**

Supervisors, Managers, and Senior Managers are responsible for Timely Review of nepotism disclosures in eDisclose.

Supervisors and Managers are responsible for providing a recommendation as to whether or not the employment of a Related Person within the disclosing employee’s organizational unit or work-related organizational unit can occur or continue. When such employment involves or creates a Conflict of Interest where an employee could participate in making recommendations or influencing decisions specifically affecting the appointment, retention, work assignments, evaluation, promotion, demotion, or salary of a Related Person, the reviewing Supervisor and Manager are responsible for proposing conditions which would mitigate or eliminate the conflicts to the Senior Manager as part of their review.

Senior Managers are responsible for determining on behalf of the USF System whether or not the employment of Related Persons within the disclosing employee’s organizational unit or work-related organizational unit can occur or continue. When such employment involves or creates a Conflict of Interest where an employee could participate in making recommendations or influencing decisions specifically affecting the appointment, retention, work assignments, evaluation, promotion, demotion, or salary of a Related Person, the reviewing Senior Manager must either require the implementation of conditions which would mitigate or eliminate the conflicts (approve with conditions) or require the employment cease or not occur (disapprove).

**Acknowledgement**

USF System Employees are responsible for acknowledging in eDisclose the determination made by their Senior Manager regarding their nepotism disclosures. When the implementation of conditions which would mitigate or eliminate the conflicts (“mitigation plans”) are required by the Senior Manager in order for the employment of Related Persons to continue or occur, eDisclose serves as the system of record for such mitigation plans.

**D. Compliance Monitoring Responsibilities**

Supervisors, Managers, and Senior Managers are responsible for monitoring the compliance of their direct reports in meeting their disclosure responsibilities under the FCOE and this policy. Supervisors, Managers, and Senior Managers may access disclosures submitted by their direct reports or submitted by an employee for their review at any time via the eDisclose system. Instructions for how to access these disclosures are contained in the eDisclose Reviewer Guide, available online here:
IV. Resources for USF System Employees:

General information regarding how to create and submit an FCOE, nepotism, or Outside Activity disclosure in eDisclose is available online at the following locations:

- **USF System Compliance & Ethics Program’s eDisclose Resources Page:** [http://www.usf.edu/audit-compliance/resources/edisclose.aspx](http://www.usf.edu/audit-compliance/resources/edisclose.aspx)
- **eDisclose’s Training & Resources folder,** which can be accessed from any landing page within the system via the **Welcome** tab.

General information regarding how to review an Outside Activity or nepotism disclosure in eDisclose is available online at the following locations:

- **USF System Compliance & Ethics Program’s eDisclose Resources Page:** [http://www.usf.edu/audit-compliance/resources/edisclose.aspx](http://www.usf.edu/audit-compliance/resources/edisclose.aspx)
- **eDisclose’s Training & Resources folder,** which can be accessed from any landing page within the system via the **Welcome** tab.

Guidance for compliance topics under the FCOE and this policy are available for all **USF System Employees** based on the disclosing employee’s position type as listed in the below chart. Not sure whom to contact? Call the **eDisclose** Help Desk at 813-974-9705 or email them at **eDisclose@usf.edu**.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Discloser Type</th>
<th>Unit</th>
<th>Phone</th>
<th>Web Site</th>
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<tbody>
<tr>
<td>Conflicting Business Relationships</td>
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<td>Gifts</td>
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<tr>
<td>Nepotism</td>
<td>USF System Faculty</td>
<td>USF System Office of the Provost</td>
<td>813-974-2145</td>
<td><a href="http://www.usf.edu/provost/">http://www.usf.edu/provost/</a></td>
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<tr>
<td>Administration, Staff, and Temporary employees</td>
<td>USF System Compliance &amp; Ethics Program</td>
<td>813-974-2705</td>
<td><a href="http://www.usf.edu/audit-compliance/">http://www.usf.edu/audit-compliance/</a></td>
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<tr>
<td>Faculty (excluding USF Health Faculty)</td>
<td>USF System Office of the Provost</td>
<td>813-974-2145</td>
<td><a href="http://www.usf.edu/provost/">http://www.usf.edu/provost/</a></td>
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<tr>
<td>USF Health Faculty</td>
<td>USF Health Faculty and Academic Affairs</td>
<td>813-974-1676</td>
<td><a href="http://health.usf.edu/facultyaffairs/">http://health.usf.edu/facultyaffairs/</a></td>
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**Current Responsible Office**: USF System Compliance & Ethics Program

*Refer to the appropriate Responsible Office website for a current name of the Vice President or other Responsible Officer.

*History: New 4-3-14. Amended: 8-4-17, 8-28-17 (technical)*
### Policy 0-027
#### DEFINITIONS

<table>
<thead>
<tr>
<th><strong>Business Entity</strong></th>
<th>Any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state. [Florida Statutes §112.312 (5)]</th>
</tr>
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<tbody>
<tr>
<td><strong>Code of Ethics for Public Officers and Employees (FCOE)</strong></td>
<td><strong>Florida Statutes Chapter 112, Part III</strong></td>
</tr>
<tr>
<td><strong>Conflict of Interest or Conflict of Commitment</strong></td>
<td>Any unresolved conflict between the private interests of a <strong>USF System Employee</strong> and the public interests of the USF System, including conflicts of interest specified under Florida Statutes; or any activity, which interferes with the full performance of an employee’s professional or institutional responsibilities or obligations.</td>
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<tr>
<td><strong>Contractual Service</strong></td>
<td>“Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services. “Contractual Service” does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to chapter 255 and rules adopted thereunder. [Florida Statutes §287.012(8)]</td>
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<tr>
<td><strong>Designated Staff and Temporary</strong></td>
<td>All Staff and Temporary employees with assigned responsibilities involving the purchase of goods or services: Accountable Officers and Designees, P-Card Holders and Approvers, Requisition and Travel Approvers. Staff and Temporary employees meeting this definition will be identified and notified of their “designated” status and procedures for disclosure.</td>
</tr>
</tbody>
</table>
| **Exemption contained in F.S. §112.313 (12)** | Exemptions under **Florida Statutes §112.313(12)** are defined as follows:  
(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.  
(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:  
1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;  
2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and  
3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has
**DEFINITIONS**

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<tr>
<th>Policy 0-027</th>
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<td>its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.</td>
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<tr>
<td>(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.</td>
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<td>(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.</td>
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<tr>
<td>(e) The Business Entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the Business Entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.</td>
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<tr>
<td>(f) The total amount of the transactions in the aggregate between the Business Entity and the agency does not exceed $500 per calendar year.</td>
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<td>(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.</td>
</tr>
<tr>
<td>(h) The transaction is made pursuant to § 1004.22 or § 1004.23 F.S. and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.</td>
</tr>
<tr>
<td>(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a Business Entity which is doing business with his or her agency.</td>
</tr>
</tbody>
</table>
| (j) The public officer or employee in a private capacity purchases goods or services from a Business Entity which is subject to the regulation of his or her agency and:  
  1. The price and terms of the transaction are available to similarly situated members of the general public; and  
  2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction. |

**Gifts**

A “Gift” is defined as that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:
**DEFINITIONS**

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

A “Gift” does **NOT** include the following:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
2. Except as provided in s. 112.31485, contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

[Florida Statutes §112.312 (12) (a)]
<table>
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<tr>
<th>Policy 0-027 DEFINITIONS</th>
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<tr>
<td><strong>Lobbyist</strong></td>
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<td><strong>Manager</strong></td>
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<td><strong>Material Interest</strong></td>
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<td><strong>Outside Activity</strong></td>
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<tr>
<td><strong>Procurement Employee</strong></td>
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<td><strong>Purchasing Agent</strong></td>
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<tr>
<td><strong>Registered Lobbyist</strong></td>
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<td><strong>Related Persons</strong></td>
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<td><strong>Reporting Individual</strong></td>
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<td><strong>Policy 0-027</strong></td>
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<td>public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section of the Florida Legislative Code, the &quot;agency&quot; of a Reporting Individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve. [Florida Statutes §112.3148(2) (d)]</td>
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<tr>
<td><strong>Senior Manager</strong></td>
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<tr>
<td><strong>Supervisor</strong></td>
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<tr>
<td><strong>Timely Review</strong></td>
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<tr>
<td><strong>USF System Employee</strong></td>
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<td><strong>USF System Vendor</strong></td>
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