I. PURPOSE & INTENT

All employees of the University of South Florida System (USF System) 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. Influence of Judgment. No employee of the USF System 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. Personal Benefit. No employee of the USF System 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. Gifts more than $100. 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. Unauthorized Compensation. No employee of the USF System, or his or her 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. **Additional Gift Restrictions.** 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 University Audit & Compliance.

**B. Misuse of Public Position and/or Non-Public Information**

1. No employee of the USF System 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.

2. No current or former employee of the USF System 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.

**C. Conflicting Business, Employment, or Contractual Relationship**

1. No employee of the USF System, 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 employee of the USF System shall have or hold any employment or contractual relationship with any business entity that is doing business with the USF System and shall not, 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; unless an exemption contained in Florida Statutes §112.313 (12) applies.

3. No employee of the USF System 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.

D. 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 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.

E. Acknowledgement and Disclosure

All USF System Faculty, Administration, and Designated Staff and Temporary employees are required to provide annual disclosure and acknowledgement regarding provisions of the FCOE through the USF eDisclose System, available via myUSF using your USF NetID: https://webauth.usf.edu/login.

F. Outside Activities and Potential Conflicts of Interest or Commitment

1. Under the Code of Ethics for Public Officers and Employees, an employee of the USF System 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)].

2. In furtherance of these broad mandates, all employees of the USF System are required to disclose 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.

3. 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.

4. Definitions:

a. “Outside Activity” is any employment, private practice, private consulting, teaching, research, service on boards or commissions, or any other activity, compensated or uncompensated, which is not part of the employee’s assigned duties and for which the USF System does not provide compensation.

b. “Conflict of Interest or Commitment” shall mean any unresolved conflict between the private interests of the employee 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 the employee’s professional or institutional responsibilities or obligations.

5. Disclosure and Approval

a. All USF System employees who propose to engage in outside activity must disclose and receive prior approval for such outside activity where:

   i. the activity involves more than incidental use of USF System facilities, equipment, or services; or

   ii. the activity involves supervision of a USF System student or employee who is also supervised or evaluated within the course of the faculty or administration employee’s USF System employment; or

   iii. the activity requires the waiver or assignment of the employee’s or the USF System’s rights to any inventions or works that arise during the course of or from the activity; or

   iv. the activity involves candidacy for or holding public office; or

   v. the activity is one that the employee should reasonably conclude may create a conflict of interest or commitment.

b. In addition to the disclosure and approval requirements for outside activities outlined above for all USF System employees, Faculty (9&12 month) who propose to engage in any professional, compensated outside activity must disclose and receive prior approval for such outside activity.
c. In addition to the disclosure and approval requirements for outside activities outlined above for all USF System employees, Administration, Staff, and Temporary employees who propose to engage in any compensated outside activity must discuss the proposed compensated outside activity with their supervisor. If after discussion with the employee’s supervisor, the supervisor believes that a potential conflict of interest or commitment may exist and requests that a disclosure be made, the employees must disclose and receive prior approval for such outside activity.

d. All disclosures and approvals for Outside Activity will be made prior to the commencement of the activity through the USF eDisclose System, available via myUSF using your USF NetID: https://webauth.usf.edu/login; unless the employee has a USF Health Faculty appointment, in which case the disclosure and approval for the Outside Activity must be made prior to commencement of the activity through the USF Health Reporting Outside Activities Database (ROAD) available at the following link: https://hscf.hsc.usf.edu/road/auth.cfc?method=renderLogin. All 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 an employee, agent, or spokesperson of the USF System.

e. Any requirement(s) that an employee who is engaged in an outside activity must waive the employee’s or USF System’s rights or interests to any inventions or works which may be developed during the course of such outside activities must be approved by the Vice President for Research & Innovation.

Current Responsible Office*: Audit and Compliance

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

History: New 4-3-14.
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<td><strong>Business Entity</strong></td>
<td>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)]</td>
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<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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<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>
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| **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 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. |
(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(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.

(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.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed $500 per calendar year.

(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.

(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.

(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.

(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.

| Code of Ethics for Public Officers and Employees | Florida Statutes Chapter 112, Part III |
### 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:

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.
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| 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)] | |
<p>| <strong>Lobbyist</strong> | Any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision making of a reporting individual or procurement employee or his or her agency; or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency. [Florida Statutes §112.3148(2) (b) (1)] |
| <strong>Material Interest</strong> | Direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. Indirect ownership does not include ownership by a spouse or minor child. [Florida Statutes §112.312 (15)] |
| <strong>Procurement Employee</strong> | Any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Florida Statutes § 287.012, if the cost of such services or commodities exceeds or is expected to exceed 10,000 in any fiscal year. [Florida Statutes §112.3148(2) (e)] |
| <strong>Purchasing Agent</strong> | A public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person. [Florida Statutes §112.312 (20)] |
| <strong>Registered Lobbyist</strong> | Any person registered as a lobbyist pursuant to the provisions of Florida Statutes Sections §11.045 and/or §112.3215. <a href="#">Lobbyist Information</a> |
| <strong>Related Persons</strong> | Persons related to each other in one of the following ways: husband; wife; parent; child; brother; sister; spouse of a child, brother, sister, or parent; or parent, child, brother, or sister of spouse; grandparent; grandchild; aunt, uncle, first cousin, niece or nephew. “Related” person also includes a person who is engaged to be married to an employee or who otherwise holds himself or herself out as or is generally known as the |</p>
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<td><strong>Person whom the employee intends to marry or with whom the employee intends to form a household, or any other person having the same legal residence as the USF System employee.</strong></td>
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<td><strong>Reporting Individual</strong></td>
<td>Any individual (including a candidate upon qualifying) who is required by law, pursuant to §8, Art. II of the State of Florida Constitution or Statute §112.3145, to file full or limited 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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<td><strong>USF System Vendor</strong></td>
<td>A business entity doing business directly with the USF System, such as renting, leasing, or selling any realty, goods, or services.</td>
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