



ARTICLE 19 CONFLICT OF INTEREST/OUTSIDE ACTIVITY

19.1 Policy. In all official acts, an employee is bound to observe the highest standards of ethics consistent with the code of ethics of the State of Florida (Chapter 112, Part III, Florida Statutes and related advisory opinions) and Board and University regulations.

Nothing in this Article 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 the conditions stated herein.

19.2 Definitions.

(a) "Reportable Outside Activity" shall mean any compensated or uncompensated professional practice, consulting, teaching or research, which is not part of the employee's assigned duties and for which the University has provided no compensation.

(b) "Conflict of Interest" shall mean

- (1) any conflict between the private interests of the employee and the public interests of the University, the Board of Trustees, or the State of Florida, including conflicts of interest specified under Florida Statutes;
- (2) any activity which interferes with the full performance of the employee's professional or institutional responsibilities or obligations; or
- (3) any outside teaching employment with any other educational institution during a period in which the employee has an appointment with Florida Atlantic University, except with written approval of the Dean.

19.3 Conflicts of Interest Prohibited. Conflicts of interest are prohibited and employees are responsible for resolving them by working with their supervisors and other University officials.

19.4 Reportable Outside Activity. An employee who proposes to engage in outside activity shall provide his or her supervisor a detailed written description of the proposed activity. The report shall include where applicable, the name of the employer or other recipient of services; the funding source; the location where such activity shall be performed; the nature and extent of the activity; and any intended use of University facilities, equipment, or services. A new report shall be submitted for outside activity previously reported at the beginning of each academic year for outside activity of a continuing nature and whenever there is a significant change in an activity (nature, extent, funding, etc.) The reporting provisions of this section shall not apply to activities performed wholly during a period in which the employee has no appointment with the

University. Any outside activity which falls under the provisions of this Article and in which the employee is currently engaged but has not previously reported, shall be reported within sixty (60) days of the execution of this Agreement and shall conform to the provisions of this Article.

19.5 Expedited Grievance Procedure. In the event the proposed outside activity is determined to constitute a conflict of interest, and the employee disagrees with that determination, the employee may file a grievance under the expedited grievance procedure contained in Article 20, Section 20.15.

19.6 Use of University Resources. An employee engaging in any outside activity shall not use the facilities, equipment, or services of the University in connection with such outside activity without prior approval of the President or representative. Approval for the use of University facilities, equipment, or services may be conditioned upon reimbursement for the use thereof.

19.7 No University Affiliation. As specified in Article 5.3(d), an employee engaging in outside activity shall indicate that he/she is not an institutional representative unless specifically authorized as such. The employee will take reasonable precautions to ensure that the outside employer 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.

**REPORT of OUTSIDE EMPLOYMENT or
PROFESSIONAL ACTIVITY for FAU EMPLOYEES**Select: ☐ Original Submission Or: ☐ Updated or Continuing Submission

This report of proposed outside employment/activity is completed in order to comply with the rules of the University and the provisions of applicable Collective Bargaining Agreements. Please note that this report must be submitted and necessary approvals obtained on an annual basis for any activity continuing beyond June 30 of the year referenced.

If the outside employment/activity involves an entity or agency doing business with or proposing to do business with the University at the time this form is completed, the employee should also attach a *REPORT OF SPECIFIED INTEREST* form.

EMPLOYEE INFORMATIONEmployee Name:

Employee Status: (please select)

Title: ☐ AMP ☐ SP ☐ Administrative FacultyDepartment/Unit: Instructional Faculty: ☐ 9 Month ☐ 12 Month**PROPOSED EMPLOYMENT/ACTIVITY**

Nature of Employment/Activity: (please check all that apply)

☐ Employment☐ Other Professional Activity☐ Continuing Business Interest (including managerial interest or position)☐ Other Compensated ActivityName of Employer/Activity: Anticipated Date(s): Location(City, State, Country): Avg # of Hours per Week: 1. Description of Employment Activity: 2. Are FAU employees and/or students involved? 3. Total number of outside activity and financial interest reports submitted during this contractual period including this report. 4. Estimate of total number hours spent per week during this contractual period on all outside activities including this one. 5a. Are you required as a condition of the employment/activity to waive any rights you may have to intellectual property you develop, including patent rights? ☐ Yes ☐ No (If yes, the Division of Sponsored Research must review and approve the employment/activity.)5b. Will you be working for an entity that has either licensed, optioned, or acquired intellectual property from the University? ☐ Yes ☐ No (If yes, the Division of Sponsored Research must review and approve the employment/activity.)6. Will University equipment, facilities, or services be used in the course of this activity? ☐ Yes ☐ No
(If yes, please attach a *University Equipment, Facilities and Services* form with this request.)

Instructional Faculty, please complete

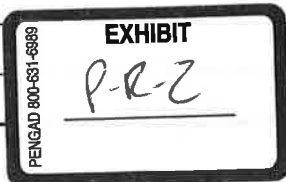
12 Month Appointees, please complete

Will classes be missed? ☐ Yes ☐ NoHas leave form been submitted? ☐ Yes ☐ No ☐ N/AHow will classes be covered? Has leave request been approved? ☐ Yes ☐ No

I hereby certify that the outside employment or professional activity reported here does not constitute a conflict of interest under Chapter 112, Florida Statutes, and will not interfere with my assigned duties and responsibilities at Florida Atlantic University. I agree to notify the University immediately if the nature of the activity described in this report changes.

Employee Signature:

REVIEWER	REVIEWER'S SIGNATURE	DATE	APPROVAL
Chairperson or Supervisor			<input type="checkbox"/> Yes <input type="checkbox"/> No
Dean or Director			<input type="checkbox"/> Yes <input type="checkbox"/> No
Division of Sponsored Research (if applicable)			<input type="checkbox"/> Yes <input type="checkbox"/> No
Provost or VP			<input type="checkbox"/> Yes <input type="checkbox"/> No





DOROTHY F. SCHMIDT COLLEGE OF ARTS AND LETTERS

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November 10, 2015

Dr. James Tracy
300 NW 36th Ct
Boca Raton, FL 33431-5819

Notice of Discipline

Dear Dr. Tracy:

Despite numerous requests from your supervisor, David Williams, Director of the School of Communication and Multimedia Studies, and Linda Johnson, Associate Dean of the Dorothy F. Schmidt College of Arts and Letters, you have refused to sign your revised 2015-16 FAIR annual assignment. All employees are required to acknowledge receipt of the annual assignment, and any changes to that assignment, through the FAIR system. Faculty are also required to meet deadlines for such as set by the Provost and Dean. Refusal to do so constitutes insubordination.

You have signed your assignments in FAIR as required, including your original 2015-16 annual assignment in FAIR. I understand that you may object to the requirement that you accept the terms and conditions of your revised 2015-16 annual assignment, specifically those terms and conditions related to the Report of Outside Employment/Activity. Regardless, all faculty are required to file these reports according to the Collective Bargaining Agreement, Article 19.4, and University policy.

Also, a review of your personnel file has revealed that you did not submit the 2013-14 "Report of Outside Employment/Activity Form," as required by my letter to you of January 28, 2013. Further, you did not submit the same form for the 2014-15 academic year.

Your refusal to follow requirements and insubordinations by refusing work requirements of your supervisor constitutes misconduct. This letter of reprimand will be placed in your personnel file.

Also within 48 hours of receipt of this letter, you are required to:

- Acknowledge receipt of your 2015-16 annual assignment through the FAIR system with all terms and conditions
- Submit Report of Outside Employment/Activity Forms for 2013-14, 2014-15 and 2015-16

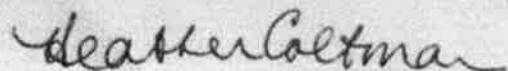
Failure to meet any of the requirements listed above may result in further disciplinary action. Also, if you continue to fail to meet your professional and administrative obligations and respond to directives

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from your supervisor, you will face additional disciplinary action. This disciplinary action, a reprimand, is subject to Article 20 of the BOT/UFF Collective Bargaining Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Heather Coltman". The signature is written in dark ink on a light-colored background.

Dr. Heather Coltman, Dean

cc: Diane Alperin, Vice Provost for Academic Affairs

David Williams, Director
School of Communication and Multimedia Studies

UFF-FAU Executive Committee, 2016-2017

Chapter President: Robert Zoeller, Exercise Science, president@uff-fau.org

First Vice President: Meredith Mountford, Education Leadership

Second Vice President: Ali Farazmand, Public Administration

Treasurer: Shane Eason, Communication and Multimedia Studies

Secretary: Ramona Rendon, Languages and Linguistics

COMMITTEE CHAIRS:

Bargaining: Susan Reilly, Communication and Multimedia Studies

Grievances/Contract Enforcement: Tim Lenz, Political Science and Doug McCatchin, History

Membership: Chris Robé, Communication and Multimedia Studies

Political Action: Deandre Poole, Communication and Multimedia Studies

Political Action: LeaAnne Derigne, Social Work

Communication: TBA

SENATORS:

Robert Zoeller, Exercise Science

Deandre Poole, Communication and Multimedia Studies

Susan Reilly, Communication and Multimedia Studies

Doug McCatchin, History

Shane Eason, Communication and Multimedia Studies

Chris Robé, Communication and Multimedia Studies

Ali Farazmand, Public Administration

Daniela Popova, Mathematics

Sunit Babbar, Information Technology and Operations Management

Ethan Fenichel, Library

Mercedes Palomino, Languages and Linguistics

Ramona Rendon, Languages and Linguistics

Max Kirsch, Anthropology

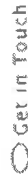
Meredith Mountford, Education Leadership

James Kumi-Diakha, Biological Science

STEWARDS:

TBA

This entry was posted in Archives, Officers and tagged executive committee. Bookmark the permalink.



UFF-FAU President:

Robert Zoeller, Department of Exercise Science

561-297-2549

president@uff-fau.org

Executive Committee

Upcoming Events

Executive Committee Meetings

March 31 @ 1:00 pm - 2:00 pm

View All Events



Topics

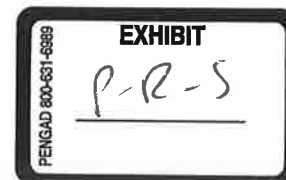
- Administrator Surveys
- Archives
- Bargaining
- Documents
- Events
- Grievances
- Home
- Important Documents
- In the News
- Links
- Membership
- Message from the President
- Officers
- Salaries



Documents

- Provost's SPE Policy, A Response from UFF-FAU
- Provost's Draft Policy on Sustained Performance Evaluation, Presented to FAU Faculty Senate, Sept. 4, 2015
- Results of 2014 UFF-FAU Administrator Survey (11/2/2014)
- How FAU Prioritizes Its Money
- Results of the 2010-2011 Faculty Assessment of Administrators

Florida Atlantic University
Monitoring Plan for Potential Conflicts of Interest



Name of Employee (Employee):	
College/Area:	
Department/Unit:	
Campus Address:	
Campus Phone:	
Campus Fax:	
Campus E-Mail Address:	
Tenure Status: (if applicable)	
List all positions <i>currently</i> held at the Florida Atlantic University:	

1.

Reason for Monitoring Plan

This Monitoring Plan addresses actual or potential conflicts of interest arising out of my relationship with _____ (the “Company”).

(Check all that apply)

A. I have requested an exemption pursuant to Section 112.313(12)(h), Florida Statutes.

Yes: ☐

No: ☐

If yes, attach your Request for Exemption/Disclosure document (with attachments).

B. I have a “Significant Financial Interest” as defined by the Public Health Service and National Science Foundation regulations.

Yes: ☐

No: ☐

IF YES: Please attach a list all proposals and awarded projects whereby the results of those studies would have an impact on the Company’s interests – either negatively or positively.

C. I have a financial interest and/or an outside activity NOT requiring an Exemption from Florida Statutes, but which is to be permitted only pursuant to a monitoring plan.

Yes: ☐

No: ☐

If yes, attach a copy of your Disclosure of Outside Activity and Financial Interests form(s).

2.
Description of Conflicts
A or B

☐ A. Check this box, if you answered YES to Question 1A above and skip forward to Question 4. **Responsible Persons** (Your Request for Exemption/Disclosure-(B5) as an attachment to this monitoring plan, will address this question.)

☐ B. Check this box, if you answered NO to Question 1A above. *You will need to describe below, the conflict(s) of interest (both actual and potential) to be addressed by this monitoring plan. It is recommended that you do this by describing 1) your employment responsibilities at the University, 2) your outside activities and/or financial interest(s), 3) delineation of the differences and 4) identification of the potential areas in conflict. Areas of conflict should be identified in detail. The delineation of duties should reveal clear distinctions between your obligations to the University and your efforts and duties for the outside entity or your financial interest(s).*

Describe for 2B:

3.
Term of Monitoring Plan

This monitoring plan is effective upon execution of all parties and will remain in affect until circumstances are documented that dictate otherwise.

If, at any time, substantive changes need to be made to this monitoring plan, the Monitor may elect to replace this plan in its entirety or add supplemental conditions. The changes will be reviewed and approved in accordance with established policy and procedure.

This monitoring may be terminated with the submission of proper documentation indicating the non-existence of a conflict or perception of conflict, in accordance with established policy and procedures for proper review and approval.

4.
Responsible Person

As designee of the President of the University, the Dean of the College or if Employee does not report to a dean, then the Vice President of that division, (herein after called the "Responsible Person") assumes primary responsibility for monitoring Employee's activities regarding the potential conflict(s) presented by Employee's activities with the Company.

Monitoring Plan

The Responsible Person may create a Conflict Monitoring Committee. If under this monitoring plan, the approval of the University is required for any action to be taken, the express written approval of the Responsible Person must be secured in addition to the specific approvals otherwise required under University rules and policies.

Responsible Person

College/Division

Title:

Campus Address:

Campus Phone:

Campus Fax:

Campus E-Mail:

The Chair of the Department or Unit Supervisor is also responsible for reviewing outside activities and financial interests as well as reporting any problems or concerns with regard to this plan, to the Responsible Person.

Department / Unit

Dept. Chair / Unit Supervisor

Title:

Campus Address:

Campus Phone:

Campus Fax:

Campus E-Mail:

College/Department Members to be appointed by Responsible Person to serve ad hoc on the University Conflict Management Committee when this case is reviewed.

Member: Name: **Norman Kauffman** Department: **Office of the Provost**

Member: Name: **Jack Ludin** Department: **Office of the General Counsel**

Member: Name: **Jeanie McGuire** Department: **Office of technology Transfer**

Questions regarding this plan may also be directed to the Office of Technology Transfer.

5.

Management of Conflicting Interests / Conditions of Approval

Many of the conditions as set forth in clauses A – M below, are restatements of rules, regulations or statutes to which Employee is already subject as a University employee, but which are important to note given the conflicts of interest involved.

Additional conditions, may be appropriate to manage the conflicts of interests created by your outside activities. The additional conditions are listed in section 5.O.

The Employee and Responsible Person should review and discuss all the conditions of this Monitoring Plan. Section 5.O should define any additional parameters necessary to effectively manage, this conflict, or the potential for conflict, pursuant to Federal, State and University regulations.

A. Integrity of Research and Education Programs. Employee recognizes that his/her primary professional responsibility is to the University. Teaching and research, based on the highest standards of scientific objectivity, are paramount in fulfilling that responsibility as well as adherence to the code of ethics as established under Part III of Chapter 112, Florida Statutes. To confirm that Employee is meeting applicable standards, the following will apply:

The Responsible Person may attend all laboratory/program and/or personnel meetings and shall be provided with any information regarding Employee's activities, upon request.

As part of the annual reporting process described in Section 5.M. below, Employee's activities, will be reviewed. This review may include a discussion of the Employee's allocation of efforts as well as Employee's research methodologies and results as applicable. Additional reviews (e.g. quarterly or semi-annual), monitoring of the Employee's activities by independent reviewers, such as a committee of disinterested scientists, modification of the research plan/protocol or disqualification from participation in all or part of the research, may also be required depending on the nature and extent of the conflicts of interest. Monitoring Plan Review Checklist should be used for all reviews as described herein. Please refer to Section 5.O for any special conditions.

Will your outside activities affect your FAU teaching or research duties?

Describe:

Can you carry out all of your assigned FAU activities both teaching and research while still conducting your outside activities?

Describe:

It is important that you be able to demonstrate that your time spent with the outside company will not interfere with your FAU duties. What mechanism will you use to evidence this?

Describe:

To assure sponsors of your FAU research that you are meeting their expectations of time and attention to their respective projects as well as that of the outside company, it is important that you keep track of the date and time spent on each respective activity. What mechanism will you use to keep track of this information?

Describe:

B. University Rights to Intellectual Property. Employee has agreed not to take any action, which would in any way limit the University's rights to intellectual property developed by Employee or any other University employee or student. The Employee will continue to work diligently with the University to assure that publications of research or work performed are done in such a manner that the intellectual property rights of the University and those associated with the University are maintained. Employee will promptly fulfill all requirements of the University's Intellectual Property Policy, including all reporting requirements.

C. Dissemination of Research Results. Publication of research results is the cornerstone to the existence of the University's laboratory/program(s) and to the undergraduate/graduate program(s) that might also be associated with Employee and Employee's potential conflict of interest. Employee will assure that publications are accomplished in a manner that protects the intellectual property rights of the University and will assure that graduate students are allowed to present, defend or publish theses and dissertations in a timely manner.

D. Use of University Equipment, Facilities, Services, or Personnel in Company. University and Florida Atlantic University Research Corporation, (FAURC) equipment, facilities, services, and personnel are available only for the use and benefit of the University and FAURC.

Therefore, if an Employee desires to use any University facilities, equipment or services in their capacity with the Company, Employee must obtain prior approval of University. Such use must be only on a non-interference basis, must be compensated, and must be justified by the uniqueness of the equipment or services. The use of University services will not be allowed unless the services provided are otherwise available to non-University related persons or entities. Incidental use of equipment, such as the telephone (local calls), fax machine and computer resources by the Employee for communication purposes may also be permitted provided prior approval is obtained.

Do you plan to use University or FAURC equipment, facilities, services or personnel? If YES, please describe.

Describe:

E. No Use of University Name. Employee may not use the name of the University or FAURC, in connection with Employee's activities with the Company without the express written permission of the Responsible Person with regard to each instance of use.

As noted above, such written approval is required in addition to any approvals required under any agreement between the Company and the University or FAURC. The Responsible Person may also require the use of a disclaimer or disclosure concerning the University in connection with the activities.

F. Disclosure to Laboratory/Program or Area Personnel. The Responsible Person will meet with personnel and students working in the Employee's laboratory/program or area, to discuss their duties and responsibilities in the laboratory/program or area, and

Employee's duties and responsibilities in the laboratory/program or area and relationship with the Company.

A Disclosure Statement in the form and format attached as Attachment A, will be provided to them at these meetings. Employee will inform the Responsible Person whenever any personnel changes (both additions and deletions) are made in Employee's laboratory/program or area. Furthermore, Employee will keep the Responsible Person informed of any changes in student supervision.

G. Disclosure in Proposals and Publications. Appropriate disclosure of Employee's interests in, or relationship to the Company, will be made in all reporting of work or research, which is funded by the Company, and in all reporting of work or research, which may favorably or unfavorably affect any financial interests (e.g. increased royalty payments and equity growth) Employee derives from the Company.

A sample disclosure statement is provided below:

[Insert Name of Employee] [owns stock or stock options in, and/or receives royalties from, and/or describe any other relationship to] [Insert name of Company] as such may benefit financially as a result of the outcomes of [Insert Name of Employee's] research or work reported in this publication..

H. Human Subject Research. If Employee is conducting research involving human subjects and the outcome of that research may favorably or unfavorably affect any financial interests Employee derives from the Company, Employee shall fully disclose Employee's interest in, or relationship to, the Company to the Institutional Review Board (IRB) and follow any requirements or limitations placed on Employee or the research imposed by the IRB. In addition, Employee will disclose Employee's interest in, or relationship to, the Company in the IRB-approved informed consent to be provided to each human subject involved in the research.

I. Company's Use of University Personnel and Students.

The education of students is the primary objective the University. It is important that the interests of the Company never negatively impact the education of students. Students under the supervision of the Employee are not to be given assignments that will benefit the Company without the students expressing a desire to participate in those assignments and with the written approval of the Responsible Person.

J. Confidentiality of Information Employee will not disclose or provide any University or FAURC information or work products, including research results, not available to the general public to Company except under the terms of an appropriate written agreement between the University or FAURC and the Company.

K. No Competition with University. The Employee shall not work on any research grants or contracts at the Company without the approval of the Responsible Person. The Employee shall not be a party to directing any research grants or contracts to the Company that could of interest to the University.

L. Avoidance of Contractual Conflicts. In order to avoid conflict situations, Employee has agreed not to participate in any negotiations concerning agreements between the University, FAURC, or any other direct support organization of the University and the Company except to provide information concerning Employee's activities at the University in connection with proposed agreements or research agreements.

Modifications (if any):

M. Annual Report. By June 1 of each year this plan is in effect, Employee must make an annual report to the Responsible Person, using the Monitoring Plan Review Checklist.

The Responsible Person and Employee shall discuss the report, copies of which must be forwarded to the Chair or Unit Supervisor and the University Office of Technology Transfer with all other required disclosures. The discussion and report will include, at a minimum, the following:

- A description of Employee's University efforts, including publications, teaching, and research
- A description of the outside activities allowed under this plan
- A description of the use of University resources in the outside activity and by the Company
- A description of how all the conditions of this plan have been met
- Any changes and/or alterations to the established monitoring plan
- Any additional information and documentation as necessary.

N. Changes to Disclosure. Employee will promptly report to the Responsible Person, any changes to the information disclosed by Employee in connection with this Monitoring Plan, including changes in the Employee's relationship to the Company, significant changes in Employee's responsibilities at the University and new sources of funding for research in areas in which the Company also has an interest. The Responsible Person must also be informed of any new additional outside activities or financial interests required to be reported under University rules. This disclosure will allow the Responsible Person to evaluate whether any changes to this monitoring plan or the Employee's request for exemption, if applicable, are necessary.

O. Other Conditions of Allowance. Other parameters necessary to effectively manage the conflict, or the potential for conflict, are set forth below:

(Check all that apply and delineate action to be taken)

☐

"Additional" reviews by Responsible Person;

- ☐ Quarterly basis,
- ☐ Semi-Annual basis,
- ☐ Other:

Please use **Monitoring Plan Review Checklist**

(This does not replace the annual report as stated in M.)

Comments:

☐

Monitoring of activity or research by independent reviewers

☐ Advisory committee of disinterested scientists

☐ Other committee or individuals as described below:

Describe:

☐

Modification of the research plan/protocol

Describe:

☐

Disqualification from participation in all or a portion of the research/protocol;

Describe:

☐

Other

Describe:

THIS SECTION INTENTIONALLY BLANK
PLEASE PROCEED TO NEXT PAGE

Employee understands and agrees that violation of any of the conditions of this Monitoring Plan or University rules and policies governing outside activities and conflict of interest, the use of University equipment and personnel, and intellectual property, is grounds for withdrawing approval of Employee's Exemption and outside activity or interest, as well as termination of any agreements between the University or the FAURC and the Company.

Acknowledged & Agreed To: Employee: _____

Typed Name:

Date:

Chair or Unit Supervisor (or designee)

Typed Name:

Date:

Responsible Person (or designee)

Typed Name:

Date:

Approved:

Research and Graduate Studies Representative

Typed Name: Larry F. Lemanski, Ph.D.

Date:



ARTICLE 5 ACADEMIC FREEDOM AND RESPONSIBILITY

5.1 Policy. The Board, the University, and the UFF are committed to maintaining and encouraging full academic freedom. Academic freedom and academic responsibility are twin guardians of the integrity of institutions of higher learning. This integrity is essential to the preservation of a free society and explains the willingness of society historically to accept the concept of academic freedom and, in addition, to protect it through the institution of academic tenure.

5.2 Academic Freedom. The principal elements of academic freedom include the freedom to:

- (a) Present and discuss academic subjects, frankly and forthrightly, without fear of censorship, and to select instructional materials and determine grades in accordance with Board and University policies. The objective and skillful exposition of subject matter, including the acknowledgement of a variety of scholarly opinions, is the duty of every employee.
- (b) Engage in scholarly and creative activity, and to publish results in a manner consistent with professional obligations.
- (c) Speak freely on, and seek changes in, academic and institutional policies.
- (d) Exercise constitutional rights without institutional censorship or discipline.

5.3 Academic Responsibility. Freedom entails responsibilities. The Board of Trustees, the University, and the UFF accept responsibilities to: (1) scholarship, (2) students and colleagues, (3) the University, and (4) the larger community which the University serves. These responsibilities include:

- (a) Scholarly responsibility to be forthright and honest in the creation and communication of scientific and scholarly knowledge and to uphold the ethical standards of their discipline.
- (b) Respecting the relationship between professor and student: adhere to the proper role as teacher, researcher, intellectual mentor, and academic advisor; respect students, staff, and colleagues and treat them with behavior free from discrimination; recognize their right to enjoy full academic freedom; and respect the integrity of the evaluation process with regard to students, staff, and colleagues.
- (c) Contributing to the orderly and effective functioning of the academic unit (program, department, school, and/or college) and/or the University by adhering to the principles of shared governance. The Board of Trustees and their representatives have responsibilities that include, but are not limited to, promoting intellectual growth, the rights of employees, and academic freedom.
- (d) Recognizing that faculty, as members of the community, have rights and duties. When speaking on any matter of public interest, a faculty member shall make clear when comments represent personal opinions and when they represent official University positions.

P-C-7

On Thursday, December 17, 2015 2:34 PM, Meredith Mountford <mmandnoo@gmail.com> wrote:

I do. I'm here to help. That's all I'm trying to say and because on paper I am the next officer in line, I do need to know what is going on. I was contacted several times by the press when Chris was President so was concerned it might happen again.

Anyway, hang in there. Let me know if you need anything. mm

On Dec 17, 2015 1:29 PM, "Robert Zoeller" <zdawg2014@yahoo.com> wrote:

Meredith

I didn't intend to be disrespectful but there is a grievance process with people assigned to those responsibilities. While everyone is entitled to input, to try and do this by e-mail committee is counter-productive. We (myself, Doug, and Michael Moats) are working non-stop on this. This is very stressful and eating HUGE portions of people's time and I don't think it's reasonable to expect blow by blow reports. Of course I'll keep people advised of what's going on but we need to be able to breathe. If you've ever been in this kind of situation, I think, I hope, you know exactly what I mean.

Bob

On Thursday, December 17, 2015 11:09 AM, Meredith Mountford <mmandnoo@gmail.com> wrote:

Sorry Bob to stay involved but it is both my right as a member and my responsibility as a union officer. I don't appreciate the tone of your last email and I will continue to ask questions. If you are too busy to respond you should delegate more. If not to me, then someone. In addition, you probably should strongly consider appointing a delegate while you are out of town and during your surgery and recovery. This all won't go away because of the holiday so it is more important than ever we are all on the same page with the same message etc...you know the drill.

To me, clearly articulating to our members what the union's stance on the issue is both urgent and a high priority. I realize you are working on it but telling me to butt out is inappropriate, particularly

1

when my intent is to help and particularly when I may need to speak to the press while you are out of town or in surgery.

Chris, my thoughts on your thoughts (and just my opinion) are regarding:

a) a very broad definition of "outside activity." If they are going to claim Jim's blog constitutes outside activity, then how about people simply using social media like Facebook, which seems very blog-like to me where one posts links and one's thoughts

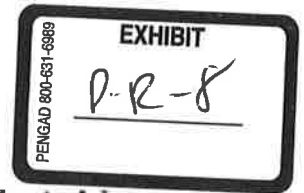
To this I would say people generally are not paid to post on Facebook so it wouldn't be considered outside employment I don't think. With regard to Life Long Learning employment, I asked that question once and was told it is not considered "outside" employment because the pay ultimately comes from the same coffers, FAU.

However, it is one of the articles being negotiated for many of the problems and inconsistencies you pointed out.

Anyway...for what it's worth...mm

On Sun, Dec 13, 2015, 10:14 AM C R

<rowbey@msn.com> wrote:



Based on my RSS feed, it doesn't seem the story is taking off. It might be too soon to tell just yet, but this is a good sign.

The real problem, as Bob mentions, is: 1) if Jim in indeed sending certified letters to the parents asking for proof of their child's existence; and 2) if and how explicitly he is writing about this in his blog. That would be incredibly difficult to defend since it moves beyond First Amendment issues to I don't know what. This is where a lawyer is needed most likely.

Really, there needs to be some reasonable discussion with Jim about what he actually did and his thought. He is at this point his own worst enemy. But, honestly, I don't know if this can happen since Jim feels so distanced from almost everyone at FAU and sucked into a somewhat unhinged conspiratorial mind frame. Bob talked with him regarding signing his outside employment activity, yet Jim still ignored the advice. I've tried to talk to Jim before about such things, but it becomes very difficult because instead of unpacking a particular issue it instead allows Jim to spin out of control with other conspiratorial ideas, which I won't go into here. This is painful in that I used to consider Jim close.

Anyway, this might all be irrelevant for the time being. But the bigger issue is that Jim seems to be doing more and more stupid things that are moving beyond simply writing a blog post. Also, we need to confirm or not if he dropped the union, which would be another incredibly short-sighted action.

Best,
Chris

On Dec 17, 2015, at 8:47 AM, C R <rowbey@msn.com> wrote:

Hey All,

I'm about to fly to NJ/NY for a week, so will be incommunicado for a while, but just quick thoughts:

- 1) yes, get Jim to stop talking to the press. He is his own worst enemy. His response to the parents really buried him.
- 2) If Bob or Meredith does have to respond to the press, I would say something along the lines: every faculty member has the right to due process regardless of what he or she says, no matter how offensive. (I know this is a weak defense and probably better off saying nothing to the press if we can, but "no comment" also sounds equally problematic).
- 3) I read the letter of termination, and obviously Michael M and Doug and everyone else is better qualified to address it than myself, but it strikes me two problematic elements in it are:
a) a very broad definition of "outside activity." If they are going to claim Jim's blog constitutes outside activity, then how about people simply using social media like Facebook, which seems very blog-like to me where one posts links and one's thoughts?; b) the selectivity in applying this outside employment stipulation upon faculty. For example, our Dean said during an assembly not to worry about filling out the form if we were doing Lifelong Learning classes, since someone brought it up. But why not? We are getting paid for it and doing additional activity. They can use this outside activity clause to selectively target faculty who are engaging in such activities that they deem inappropriate. That strikes me as a rather significant issue for us.

These issues might not be successful in preventing Jim's termination since his insubordination might trump them, but they are important for us as a union to consider.

Best,
Chris



On Dec 2, 2015, at 5:01 AM, Robert Zoeller <zdawg2014@yahoo.com> wrote:

Mike

That was our collective opinion. In one of his previous communications, Jim even admitted that this might not be arbitable. The blogs had absolutely nothing to do with the decision. It should also be noted that several weeks ago I advised him to sign the conflict of interest statement.

Bob.



1

On Wednesday, December 2, 2015 1:32 AM, Mike Budd <mbudd44@gmail.com> wrote:

Hi Bob, Doug and Chris,

Sorry to hear about this. Bob, when you say that the situation is not grievable, are you saying that you, Doug and Michael Moats do not think that you can make a case that the CBA has been violated here? Also, did the content of Jim's blog postings play any role in your decision about the grievability of this case?

I bring this up because the dean and the admin may go after him further and try to fire a tenured faculty member, regardless of what happens with the SPE. Are we OK with that?

Mike



----- Original Message -----

Subject: RE: Jim Tracy formally terminated by FAU

Date: 05.01.2016 21:53

From: C R <rowbey@msn.com>

To: "president@uff-fau.org" <president@uff-fau.org>, Meredith Mountford <mmandn00@gmail.com>

Cc: Susan Reilly <susansreilly79@yahoo.com>, "michael.moats@floridaea.org" <michael.moats@floridaea.org>, "marshall.ogletree@floridaea.org" <marshall.ogletree@floridaea.org>, Mike Budd <mbudd44@gmail.com>, doug mcgetchin <dmcgetch@yahoo.com>

Hey Bob,

Just a quick thought that this letter of termination differs quite a bit from the one Jim received on Dec. 16, 2016 (attached here). Doesn't this suggest that the university doesn't know exactly what it is trying to terminate Jim over? The first letter of proposed termination is procedural in his not filling outside activities reports. This letter of termination doesn't mention this at all. Instead, it has the dubious claim that by Jim using "professor" he implicates FAU. The more concerning claim is that he mentions FAU on his Sandy Hook article in some anthology. My question is: what exactly are they trying to fire him over? I don't think they are certain. Isn't this vacillation something the union can challenge the university over or at least capitalize upon?

Granted, a weakness is that Jim is not entirely clear where this stuff on Sandy Hook lies-- as research or outside activity. I saw him this past weekend, and he couldn't clearly articulate it. I also told him not to talk to the press since his position is weak, if not outright confused.

I hope this helps.

Best,
Chris



On Thursday, December 17, 2015 12:14 PM, Mike Budd <mbudd44@gmail.com> wrote:

Like Chris, I am not directly involved in contract enforcement. However, I want to amplify Chris's arguments in 3. below. Can administrators show that every other faculty member except Jim completed the outside activity report in the way and on the schedule they demanded of Jim? That they treated all other faculty members the same? Not likely. There's likely a lot of special attention to Jim because of the bad publicity he's bringing to the university. Though they don't mention this bad publicity in their letter, that is the context, unspoken and suppressed in their letter, for the selective treatment of Jim.

Jim didn't read Dean Coltman's email with a Monday deadline until Tuesday, at which time he complied by sending in the report as requested, but Dean Coltman had already sent the letter of termination.

The too-broad definition of outside activity. The reason they're selectively targeting Jim's outside activity report is because they want to blame him for connecting his unpopular opinions to FAU. After a small number of mentions of FAU on his blog initially, Jim removed those mentions at the university's request. But with social media, public knowledge of Jim's connection to FAU is viral, and Jim alone cannot be held responsible for it. Even if he had never mentioned FAU on his blog, FAU would still be linked to Jim's unpopular opinions. They are implicitly punishing him for something for which he cannot be solely responsible. Didn't they remove the first letter of reprimand from his file after he agreed to not mention FAU on his blog?

Mike

On Thursday, December 3, 2015 12:38 PM, Robert Zoeller <zdawg2014@yahoo.com> wrote:

Thanks Mike. Everyone, please understand that these e-mail communications are sensitive and for this group only. They should not be discussed with anyone and that includes Jim.

Bob



On Wednesday, December 2, 2015 4:04 PM, Mike Budd <mbudd44@gmail.com> wrote:

Hi Bob and all,

Thanks, I was hoping this was the case. As I understand the Weingarten rule, faculty members should not refuse direct orders from supervisors when to do so would invite a possible official reprimand. They can then contest the order as illegitimate or unfair afterward. Is that why you advised him to sign the conflict of interest statement? Apart from Jim's particular case, do we have any problems with the university's reporting process for faculty outside activities, either within the CBA or not?

It's obviously important for us to separate the unpopularity of (or our possible professional disapproval of) Jim's outside activities from the fairness of the university's reporting process for those activities, even if Jim himself seems to have trouble separating those things. As a colleague and friend of Jim's (now more of an acquaintance, I guess) I'm sorry that he has further isolated himself by deciding to drop his union membership. His case becomes more difficult if as I fear he stopped publishing about the time he started blogging in late 2011 or early 2012, since that would open him to the SPE process.

We still need to protect the CBA and faculty rights beyond or missing from the CBA, and if Jim has any further conflicts with his bosses, we will monitor the process to protect faculty rights generally as we would with any other non-member. Right?

I'll urge Jim to rethink dropping his membership.

Best,
Mike

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I'll urge Jim to rethink dropping his membership.

Best,
Mike

APPENDIX D
REQUEST FOR REVIEW OF STEP 1 DECISION

FLORIDA ATLANTIC UNIVERSITY
Board of Trustees/United Faculty of Florida



GRIEVANT

NAME: UFF-FAU Chapter
Robert F. Zoeller Jr., President
UNIVERSITY: Florida Atlantic University
COLLEGE: All covered by CBA
DEPT All covered by CBA

OFFICE PHONE: 561-297-2549

STEP 1 GRIEVANCE REPRESENTATIVE

NAME: Doug McGetchin

MAILING ADDRESS:
Florida Atlantic University, MacArthur Campus
5353 Parkside Drive
Jupiter, FL 33458
dmcgetch@fau.edu
OFFICE PHONE: 561-799-8226

DATE OF STEP 1 DECISION: n/a: Step 2 filed initially

Article(s) and Sections(s) of Agreement allegedly violated (as specified at Step 1):

Article 19 Conflict of Interest / Outside Activity

Changes to reporting requirements on outside activity are not in accordance with the current CBA. The new additions, for example, include requirements to report the activities of family members and relatives, not to engage in outside activity beyond eight (8) hours a week, and defines "significant financial interest" as above \$5000 per year. These requirements are not mentioned in the CBA.

I hereby request that the President or his/her representative review the attached decision made in connection with the attached grievance because:

Remedy Sought (if initial filing is at Step 2): Anything beyond CBA Article 19 needs to be collectively bargained.

Grievant's representative received the decision on N/A
Grievant filed this request for review with the _____ Office on _____
by (check one): mail (certified or registered, restricted delivery,
return receipt requested) _____; personal delivery ☒; other (specify) _____

_____. DATE OF RECEIPT BY PRESIDENT'S OFFICE:



Robert F Zoeller for UFF-FAU

Signature of Grievant

I am represented in this grievance by (check one - representative should sign on appropriate line):

- X UFF
Legal Counsel
Myself



A copy of the following documents must be attached to this Request at the time of its filing with the President or his/her representative:

1. Appendix C - Original grievance form filed with the University.
2. Step 1 Decision, if issued by Unit Head.
3. All attachments to Step 1 Decision, as required in Section 20.8, Grievance Procedure.

The Step 2 decision shall be transmitted to Grievant's Step 2 Representative by personal delivery with written documentation of receipt or by certified mail, return receipt requested. Copies of this decision shall be sent to Grievant, the Unit Head, and to the UFF if grievant elected self-representation or representation by legal counsel.