



Fredric G. Levin College of Law
Office of the Dean

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February 13, 2018

MEMORANDUM

TO: The Faculty
FROM: Laura A. Rosenbury, Dean *LAR*
RE: Faculty Meeting Agenda

As previously announced, we have scheduled a Faculty Meeting on Tuesday, February 20, in the Faculty Lounge, beginning at 3:00 p.m. The following items are on the agenda:

1. Ken Gerhardt; UF Ombuds
2. Approval of Minutes
3. Review of Policies on Lobbying and Outside Activities; materials attached.
4. Discussion of SBA Resolution; materials attached.

Law Faculty Meeting

January 16, 2018, 3 p.m.

PRESENT: Adkins, Angelo, Bornstein, Burke, Cohen, Cupples, Davis, R., Dowd, Fenster, Flournoy, Grater, Hamilton, Harrison, Haughton-Worrell, Hasen, Hernandez, Herzfeld, Jacobs, Johnsen, Johnston, King, Klein, Knight, Lear, Luke, Malavet, Mashburn, Mills, Page, Rosenbury, Rowe, Ruff, Rush, Sokol, Steinberg, , Stinneford, Temple-Smith, Wright, Zedalis, Zheng

NOT PRESENT: Ankersen, Brauner, Calfee, Collier, Davis, J., Drake, Fernandez, Germain, Hutchinson, Jackson, McCouch, Menendez, Murray, Nunn, Pflaum, Rawls, Reid, Russell-Brown, Tomlinson, Tritt, Wihnyk, Willis

ON LEAVE: Nance, Noah, Rhee, Stein, Wolf

Meeting called to order at 3:04pm

1. Dean welcomed David Hasen to his first faculty meeting

2. Introduction of Visitors

Dean Mashburn welcomed visitors to the faculty meeting and invited them to make short remarks.

3. Approval of attached Minutes

Minutes from the November 28 and 30, 2017 faculty meetings were considered.

Unanimously Approved.

4. Emeritus status for Claire Germain

Discussion ensued regarding emeritus status for Claire Germain. A voice vote followed following no requests for secret ballot.

Unanimously Recommended for Emeritus Status.

Dean Rosenbury thanked Leslie Knight, the committee, and all interviewers participating in the search for the next director of the LIC.

5. Proposal by Appointments Committee to amend offer to Peter Molk in order to hire him at the rank of Associate Professor; additional materials posted on TWEN

Professor Stinneford discussed consideration of Peter Molk for hire at the rank of Associate Professor. Professor Stinneford addressed the reasons for proposal by the Appointments Committee and discussion ensued regarding same.

[SEE AMY FOR VOTE]

Dean Rosenbury thanked appointments committee for all of their work this year.

6. Brief Update from PT Committee & Distinguished University Professor

Professor Zheng provided an update with regards to the process for consideration for Distinguished University Professor. An email will follow to all faculty members.

Meeting adjourned at 3:28pm.

Law Faculty Meeting

January 30, 2018, 3:00pm

PRESENT: Adkins, Bornstein, Burke, Cupples, Davis, R., Dowd, Fenster, Fernandez, Flourney, Germain, Grater, Harrison, Haughton-Worrell, Hasen, Hernandez, Herzfeld, Hutchinson, Johnsen, Johnston, King, Klein, Knight, Lear, Luke, Malavet, Mashburn, McCouch, Menendez, Mills, Murray, Page, Pflaum, Rawls, Rosenbury, Rowe, Ruff, Rush, Sokol, Steinberg, Stinneford, Temple-Smith, Willis, Wright, Zedalis, Zheng

NOT PRESENT: Angelo, Ankersen, Brauner, Calfee, Cohen, Collier, Davis, J., Drake, Hamilton, Jackson, Jacobs, Nunn, Reid, Russell-Brown, Tomlinson, Tritt, Wihnyk

ON LEAVE: Nance, Noah, Rhee, Stein, Wolf

Meeting called to order at 3:04pm.

1. Recommendations for faculty hiring, John Stinneford, Chair, Appointments Committee; committee recommendation circulated by separate email.

Discussion of candidates in alphabetical order: Walker; Pedro; and McAlister.
Commentary focused mainly on the scholarship of each candidate
Vote to occur at the conclusion of the meeting

2. Recommendations for LIC hiring, Leslie Knight, Non-Tenure Track Appointments and Promotion Candidate; committee recommendation.

Faculty considered this matter first. Non Tenure-Track faculty may vote on librarian candidates.
Discussion of candidates in alphabetical order: Jones; and O'Connell.
Commentary focused on management strengths and weaknesses of each candidate.
Vote to occur at the conclusion of the meeting

2018 Lobbying Policy

The 2018 Florida legislative session began on January 9, and we want to take this opportunity to remind you of our policy regarding representing UF's interests before Members of the Florida House of Representatives and Florida Senate.

It is important that all UF faculty and staff be aware of the laws and rules that govern their communication with elected officials and their staffs. These include important restrictions on lobbying activity that, if violated, may result in significant penalties for the University of Florida and for individual employees who communicate with legislators or their staff.

Communication with the Legislature and Lobbying on behalf of UF or in a UF capacity

Any UF employee who wants to communicate with a member of the Florida Legislature or a staff person to advocate for a position, or to testify at a legislative hearing, must first contact University Relations. The exception is IFAS faculty, who should contact their lobby team. The contacts are below. We will work with each employee to determine the best course of action without violating applicable laws or rules, and putting the employee or the University at risk.

Any UF employee who contacts a member or staff person of the Florida Legislature to request funding or to advocate for or against legislation involving or on behalf of the University **MUST** have approval from the Vice President for University Relations and must register as a lobbyist. This requirement applies whether the contact is oral, written or electronic. An employee who simply provides information to a legislator (and does not advocate for or against a position or funding) does not need to register as a lobbyist. In addition, the Florida House has imposed a rule that requires UF employees to file an electronic issue disclosure form with the House when they lobby a member or staff member of the Florida House of Representatives.

There are several scenarios in which UF faculty or staff members may interact with the Florida Legislature that do not fall into the categories of asking for funding or advocating a position on an issue. For example, UF employees may be contacted by legislators who ask them to testify before a committee. The statutes and rules that apply to these interactions are complicated and vary according to circumstances. In order to avoid unintentional violations of the statute and rules, which could result in a two-year suspension from lobbying the Florida House, we remind you that UF has a policy regarding contacts with legislators and their staffs and to contact University Relations with any questions.

This policy extends to contacts with the Florida House Members and staff, as well as Florida Senate and staff due to statutes that apply to all legislative contacts. Coordination between the university's advocacy efforts in the House and the Senate is critically important to our success.

Communication with the Legislature or staff in a personal (non-UF) capacity

This university policy does not apply to faculty and staff who wish to lobby a legislator on a personal matter or express an opinion on an issue in their personal capacity, on their personal time. Please be reminded, however, that the university's policies on outside activities and conflicts of interest do govern such activities. Any request to lobby in your individual capacity, must be submitted to your department chair or unit supervisor, who will decide whether or not to approve such a request based on the time, resource and conflicts factors. Should such a request be approved, the individual employee should seek private professional advice on how to comply with state and federal laws and regulations pertaining to individual lobbying.

Thank you for your cooperation in our effort to comply with state statutes and legislative rules.

If you have questions, please contact one of the following:

Jane Adams, Vice President University Relations

Jane-adams@ufl.edu

Marion Hoffmann, Associate Vice President Government Relations

marionh@ufl.edu

Melissa Orth, Senior Director Government Relations

maorth@ufl.edu

Mary Ann Hooks, Director IFAS Governmental Affairs

mgosa@ufl.edu

University of Florida
Instructions for Completing the Disclosure of
Outside Activities and Financial Interests Form

General Remarks

University of Florida faculty and staff members may engage in outside activities and hold financial interests subject to the requirements of University regulations, state law, and federal regulations and law, if applicable. Whenever a question, or appearance of conflict, could arise between the employee's obligation to the University and any activity or financial interest, the employee is expected to report the situation to the supervisor for discussion and, if required as set forth below, to provide a report disclosing the information prior to engaging in the activity or obtaining the financial interest. University officials are responsible for reviewing each disclosure to determine if the activity or interest is permitted, not permitted, or if there are conditions necessary to manage, reduce or eliminate the conflicts or potential conflicts before the activity or interest can be permitted.

In addition to completing the statement regarding activities and financial interests annually through effort reporting or the receipt of an evaluation, an annual disclosure should be submitted at the beginning of each academic year or other annual appointment for each existing outside activity or financial interest. A new disclosure should be submitted at such time as there is a significant change in an activity or financial interest (nature, extent, funding, etc.) or before a new outside activity or financial interest is undertaken. These reporting provisions shall apply to activities performed or interests held while an employee is in pay status, or is on a compensated leave, including a professional development leave, but shall not apply to activities performed wholly during a period in which the employee has no appointment with the University. The employee should still be aware of and deal with the conflict of interest considerations that may arise from the latter activities.

An employee's failure to report activities or financial interests under the University's regulation or the applicable collective bargaining agreement or to follow any conditions imposed pursuant to the University's approval of such activities or interests may be grounds for disciplinary action. Such actions may include, but are not limited to: reprimand, fine, reduction in salary, change of assignment, prohibition of outside activities, suspension without pay, and termination for cause.

Reporting Requirements

The following activities and financial interests must be reported and approved prior to engaging in the activity:

- a. Outside activities in which there is more than an incidental use of university facilities, equipment, and/or services. The completed Disclosure of Outside Activities and Financial Interests form is required to be attached to the Request to use these facilities, equipment or services.
- b. Outside activities in which a university student or university employee is directly or indirectly supervised by the employee if the employee in any way supervises or evaluates the student or the employee at the University.
- c. Management, employment, consulting, and contractual activities with, or ownership interests in, a business entity which does business or is proposing to do business with the University. In the cases of material financial and of managerial interests, the information required extends to the spouse and children of the employee, and for managerial interests, to relatives.
- d. Management, employment, consulting, and other contractual activities with, or ownership interest in, a business entity which competes with the University.
- e. Candidacy, election or appointment to a public office.
- f. Required use of books, supplies, equipment, or other instructional resources at the University when they are created or published by the employee or by an entity in which the employee has a financial interest.
- g. Professional compensated activities, including but not limited to, activities for which travel expenses, travel support, and honoraria are paid, teaching at another institution, or employment as an expert witness.
- h. Business activities, including service on the board of directors or other management interests or position, with regard to a business entity in the same discipline or field in which the faculty or staff member is employed.
- i. Any employment, contractual relationship, or financial interests of the employee which may create a continuing or recurring conflict between the employee's interests and the performance of the employee's public responsibilities and obligations, including time commitments. This includes any outside activity in which the employee is required to waive rights to intellectual property.
- j. Outside activities and financial interests required to be reported under certain federal contract and grant regulations. Such disclosures may also need to be made at the time of the submission of the proposal.
- k. Outside activities (employment, consulting, management and other contractual activities) and financial interests in an entity that supports the employee's research or training activities in any way.
- l. Outside activities (employment, consulting, management and other contractual activities) and financial interests in an entity that licenses technology invented by the employee.
- m. Any other employment outside the University.
- n. Any other outside activity or financial interest required to be disclosed under University Regulation 1.011.

Affirmation

The signature on the completed disclosure form affirms and certifies an understanding of and compliance with the University's policies on conflict of interest, outside activities and financial interests as well as the completeness and accuracy of the responses. Information on the University's guidelines and procedures may be obtained from your academic or administrative units and are located on the web at <http://www.generalcounsel.ufl.edu/downloads/COI.pdf>

University of Florida
Disclosure of Outside Activities and Financial Interests
Disclosure Period: July 1, _____ to June 30, _____

Name _____
Title/Rank _____
Phone number _____
Email _____
% FTE _____

UFID _____
Department or Unit _____
College or Division _____
University Contract Period
_____ 9 month _____ 12 month

1. In accordance with University of Florida regulations, I report the following activity or financial interest. Please check the category or categories of the activity or financial interest as described in the Instructions to this form:

a. b. c. d. e. f. g. h. i. j. k. l. m. n.

2. Please provide the requested information on the activity or financial interest performed/proposed during the University contract period as identified above. Please use additional pages if necessary. All activities and financial interests for one entity should be disclosed on one form. Additional activities and financial interests should each be reported on separate forms.

(a) Name of entity (or person) with which the activity is to be conducted, or name of entity in which the financial interest is held, and nature of its business:

Is the entity a for-profit entity _____ or a not-for-profit entity _____?

Does the entity or parent, subsidiary or affiliated organization of the entity sponsor your research at UF or license technology from UF you invented? Yes _____ No _____

(b) Description of activity or financial interest. Please check all that apply.

Consultant

Director

Officer

Employee

Honorarium

Royalty recipient

Ownership interest

Percentage of ownership: _____

Value of ownership: _____

Type of ownership interest:

Stock (not publicly traded) ownership

Stock (publicly traded) ownership

LLC ownership

Partner

Sole proprietor

Other Describe _____

Stock Option or other Option Agreement

Other Describe _____

- (c) Source of and type of compensation: (e.g., company/organization/client and cash/expense reimbursement; in the case of legal representation or service as an expert witness, all parties to the matter must also be identified.):
 Source of compensation _____
 Type of compensation _____
 Amount or value of compensation _____
- (d) Location and anticipated dates of activity: _____
- (e) Is this a one time or continuing activity? One time Continuing
 If one time, estimated number of total hours, including travel time _____ hours
 If continuing activity, estimated number of hours per week spent on the reported activity, including travel time: _____
 If you earn vacation leave, indicate number of hours per week that will be taken _____
 If none, explain why no vacation is to be taken. _____
- (f) Will University of Florida employees and/or students be involved in connection with the outside activity? No ___ Yes ___ (Explain) _____

- (g) Will University equipment, facilities or services be used in connection with the outside activity?
 No ___ Yes ___
 (If yes, please attach acompleted Request to Use University Equipment, Facilities and Services in connection with Non-University Activity form.)
- (h) Are you required, as a condition of the employment/activity, to waive any rights you or the University of Florida might have to intellectual property you develop, including copyrights or patent rights?
 No ___ Yes ___
 (If yes, the Office of Research must review and act on the employment/activity.)
- (i) Has this activity been reported before? No ___ Yes ___
- (j) Total number of outside activity and financial interest reports submitted during this contractual period including this report _____.
- Estimated total number of hours spent per week during this contractual period on all outside activities including this activity _____.

3. I understand that the activity and/or interests identified in the Instructions to this form must be reviewed and acted upon by the appropriate university officials as set forth below. For each activity or financial interest disclosed, other information may also be requested in order to completely review the activity or interest if there are potential conflicts involved.

4. I understand that if I (or my spouse, domestic partner, child or other relative) have a material financial interest or a managerial interest in an entity, or an employment or other contractual relationship with an entity that proposes to do business with or does business with the University, I will submit a copy of this form to the University's Purchasing Services (with the purchase requisition if a purchase requisition is required) or the contracting authority at the university prior to the purchase being made or the University's entering into contract with the entity. I understand that if I am involved in the procurement or contractual process for the entity or for the University (including but not limited to making recommendations) I must inform the University office making the procurement or entering into the contract of my financial interest prior to the procurement or the signing of the contract in order that determination may be made whether the procurement and/or contract is allowable under Florida law and University regulations.
5. I have read the University's Regulation 1.011, and I understand my obligations under the regulation.
6. I hereby certify that the information reported here is accurate and complete. Further, I understand that my engaging in a non-university activity must not create a conflict of interest, unless such conflict is allowable under the law and University regulations, or interfere with the full and faithful performance of my University professional responsibilities or other University obligations.

Employee's Signature

Date

REVIEWER	REVIEWER'S SIGNATURE	APPROVED	DISAPPROVED	DATE
Chair or Supervisor (Printed Name)				
Dean, Director or other Appropriate Administrator (Printed Name)				
Office of Research (if applicable) (Printed Name)				
Purchasing Services or other Contracting Authority (if applicable) (Printed Name)				

7. Was conference held to discuss this disclosure? No ___ Yes ___ If yes, please write a brief summary of action taken: _____

8. The form should be returned to the employee and others noted below whether the activity is authorized as presented, authorized with conditions or not authorized. The returned copy should include all appropriate signatures. A copy of the form must be sent to Purchasing Services or other applicable Contracting Authority if the disclosure is made under c (and as further described under item 4 above).

Student Bar Association

University of Florida Levin College of Law

RESOLUTION: 2017-2

Sponsored by: Representative A.J. D'Amico

WHEREAS: The University of Florida Levin College of Law (UF Law) students established the Student Bar Association (SBA) as *their* student representatives; and,

WHEREAS: *All* enrolled UF Law students are automatic members of the SBA; and,

WHEREAS: The mission of SBA is “to foster a collaborative, engaging educational, professional and social environment at UF Law that enhances students’ educational experience and prepares them to practice law;” and,

WHEREAS: To accomplish its mission, SBA “[f]acilitate[s] positive interaction and effective communication among the students, faculty, administration, and alumni of UF Law, the University of Florida, and the Gainesville community;” and,

WHEREAS: The University of Florida Levin College of Law Academic Policies require all 1L students to take a course in Legal Writing; and,

WHEREAS: 1L students are encouraged to pursue summer employment opportunities to supplement their first-year academic curriculum, pursue concentrations in particular areas of law, and provide the best opportunity to earn legal employment after graduation; and,

WHEREAS: Many legal internships and externships accepting law students request, and in many instances require, a writing sample to supplement application for employment, and;

WHEREAS: 1L students are encouraged by career services and their legal writing professors to use their final assignment from their Legal Writing class as their writing sample for legal internship and externship opportunities; and,

WHEREAS: 1L students are encouraged to utilize the abundant and experienced academic and professional resources available at the University of Florida Levin College of Law in order to pursue their desired professional legal goals, NOW, THEREFORE;

BE IT RESOLVED: All students at the University of Florida Levin College of Law would serve to benefit from complete and thorough feedback and evaluation of legal writing assignments, which would better equip students who are applying for legal internships, externships, and employment to supplement their education, further their legal careers, and serve their communities; and,

BE IT FURTHER RESOLVED: That the University of Florida Levin College of Law Student Bar Association respectfully calls upon law school faculty members and administration to amend its policies and procedures in regard to the submission, and professor feedback timeline of Legal Writing final assignments in order to provide for the distribution of final assignment feedback prior to the end of the semester; and,

BE IT FURTHER RESOLVED: The SBA shall act only in accordance with the SBA's mission of "facilitat[ing] positive interaction and effective communication among the students, faculty, administration, and alumni of UF Law, the University of Florida, and the Gainesville community.", and,

BE IT FURTHER RESOLVED: That a copy of this resolution is promptly provided to the Dean, the Associate Dean for Academic Affairs, the Associate Dean for Student Affairs, the Associate Dean for Faculty Development, and the Chair for the Curriculum Committee.

Respectfully Submitted,

A.J. D'Amico

1L Section 2 Representative, University of Florida Levin College of Law Student Bar Association