

Subject: RE: Annual Assignment
From: [James Tracy](#)
Date: Wednesday, October 28, 2015 9:43 AM
To: [David Williams](#)
Cc: jamestracy@startmail.com

Attachments: • [Tracy Annual A...pdf \(3.6MB\)](#)

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David:

In your Tuesday October 20 email to SCMS faculty members (which for some reason you overlooked in your 10/27 email response) you state the following:

Just a friendly reminder that if you have outside employment income, you will need to fill out the linked outside employment form (below).

This is misleading for the reasons I state in my 10/26 email--specifically that you repeatedly use the term "outside employment," yet the administration's policy, as evidenced on the form, "FLORIDA ATLANTIC UNIVERSITY GUIDELINES ON CONFLICT OF INTEREST, CONFLICT OF COMMITMENT AND OUTSIDE ACTIVITIES, INCLUDING FINANCIAL INTERESTS," as well as the accompanying policy page I reference via url in my 10/26 email, clearly states that "outside activity" may or may not be compensated. These are indeed "layers of things" that in my view are entirely unmistakable and straightforward.

Given your leadership role I am frankly taken aback at the dismissiveness you exhibit toward my concerns, both here and elsewhere in the presence of other faculty. As you are well aware, since 2013 I have been subjected to undue harassment and surveillance by the FAU administration and like-minded colleagues as a result of the above issue. I apologize if this is an inconvenience for you to address, yet I cannot in good faith sign off on a document with such implications and potential repercussions.

In light of the above, I would be much more comfortable electronically signing the Annual Assignment with these qualifications if the administration or its counsel can produce a signed statement asserting its position that my personal activities (media criticism, alternative journalism, "blogging") in no way constitute legitimate intellectual/creative endeavors, and thus cannot be considered a "conflict of interest," "conflict of commitment," or "outside activities" as defined in the administration's policy addressing such concerns.

Since time is at issue, as your 10/27 email suggests, for your convenience I have affixed a pdf of the signed Annual Assignment to this email.

Thank you for your anticipated attention to the above.

Jim

From: David Williams
Sent: Tuesday, October 27, 2015 12:58 PM
To: James Tracy

Subject: RE: Annual Assignment

Jim-

The conflict of interest regulations are nothing new. The Oct 20 email you reference had the same form as the one listed in the terms and conditions box. Here is the body of that Oct 20 email (and I am ccing Dean Coltman since it is her email that you have referenced):

From: Heather Coltman

Sent: Tuesday, October 20, 2015 9:26 AM

To: aimee; barclay; Becky Lautar (rlautar@fau.edu); ben; david williams; des; eric; harris; Linda Johnson (ljohnson@fau.edu); lynn; marcella; michael horswell

Subject: outside employment forms

Just a reminder to have faculty fill these out and submit for your signature.

<http://www.fau.edu/hr/files/OutsideBusinessV2.pdf>

Dr. Heather Coltman, Dean

Dorothy F. Schmidt College of Arts and Letters

Florida Atlantic University

Boca Raton, FL 33431

coltman@fau.edu

561-297-3801

Your interpretation of this email seems to me to add layers of things not here. And again the form is the same. I fail to recognize any inconsistency...

Your assignment as listed is exactly the same as the one you signed previously. Please sign it at your earliest opportunity.

David

From: James Tracy
Sent: Monday, October 26, 2015 11:34 PM
To: Alexandra Schoenmakers
Cc: David Williams
Subject: Re: Annual Assignment
Importance: High

Dear Alex,

I understand that the School is asking for a quick turnaround on this matter. However, I have a serious concern that I believe other faculty might share. The "Terms and Conditions" which the faculty member must check off on before signing the Annual Assignment read as follows:

I affirm that I am required to report any outside activity (compensated or uncompensated) and any financial interest on Florida Atlantic University's Report of Outside Employment or Professional Activity as required in FAU regulations and policies. Questions regarding this requirement are explained at http://www.fau.edu/hr/OEguidelines_final.php, and the form is available at <http://www.fau.edu/hr/files/OutsideBusinessV2.pdf>.

While the college's administrators assured faculty on October 20 via email that such conditions and a "Report of Outside Employment or Professional Activity" are only required of faculty in situations where compensation is at issue, this interpretation stands in contrast with the above Terms and Conditions, in addition to the language of the policy and aforementioned form available under the heading, "FLORIDA ATLANTIC UNIVERSITY GUIDELINES ON CONFLICT OF INTEREST, CONFLICT OF COMMITMENT AND OUTSIDE ACTIVITIES, INCLUDING FINANCIAL INTERESTS" both of which are available here:

http://www.fau.edu/hr/OEguidelines_final.php

<http://www.fau.edu/hr/files/OutsideBusinessV2.pdf>

This unresolved concern closely parallels FAU's uneven policy that can potentially hinder faculty members' academic endeavors and free speech, referenced in Article 5.3(d) of the CBA.

There needs to be some additional clarification on what does and does not constitute a "conflict of interest." This is especially the case as in-unit members are now being compelled to formally

acknowledge such a policy with their signatures.

Thank you.

James F. Tracy Ph.D.
Associate Professor

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On Oct 26, 2015, at 9:53 AM, Alexandra Schoenmakers <aschoenm@fau.edu> wrote:

Good morning James,

Please sign the annual assignment as soon as possible. Would you be so kind to let me know when you have done this? I greatly appreciate it very much.

Thank you.

Alexandra Schoenmakers

Program Assistant

Dorothy F. Schmidt College of Arts & Letters

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