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**Subject:** Public Records Request :: W010020-111521  
**Date:** Monday, May 16, 2022 at 3:00:54 PM Eastern Daylight Time  
**From:** University of Florida Records Support Center  
**To:** AO Records

EXTERNAL SENDER

**Attachments:**

[emails\\_Redacted-P.pdf](#)  
[Public\\_University\\_Conflict\\_of\\_Interest\\_Policies.xlsx](#)  
[FL-UF-21-1634.pdf](#)

--- Please respond above this line ---



05/16/2022

RE: PUBLIC RECORDS REQUEST of November 15, 2021, Reference # W010020-111521

Dear Taylor Stoneman,

The University of Florida received a public information request from you on November 15, 2021. Your request mentioned:

"Please see the attached request for records (FL-UF-21-1624)"

The University has reviewed its files and has located responsive records to your request. These records have been included in this correspondence.

Portions of the records were redacted or withheld in accordance with s. 1006.52(1), F.S. (student records, FERPA), s. 119.071(1)(d), F.S. (work product), and s. 1004.055, F.S. (information technology security).

This completes the public records request.

Sincerely,  
University of Florida Public Records Request Center

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To monitor the progress or update this request please log into the [Public Records Center](#).

**From:** Wimsett, Gary  
**Sent time:** 10/01/2021 12:12:21 PM  
**To:** Conde, Eric <Eric.Conde@jax.ufl.edu>; Young,Bill <Bill.Young@jax.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: FYI

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Similarly, I just disapproved another request by Dr. Goldhagen to testify in a matter adverse to UF's interests.

Thanks,  
Gary

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**From:** Conde, Eric <Eric.Conde@jax.ufl.edu>  
**Sent:** Wednesday, September 29, 2021 11:35 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Young,Bill <Bill.Young@jax.ufl.edu>  
**Subject:** RE: FYI

Thanks Gary. I will give the Dean and Chair a heads-up.

Eric

Eric H. Conde, M.S.A.  
Associate Dean for Administrative Affairs  
University of Florida College of Medicine - Jacksonville  
653-1 West 8th Street  
Jacksonville, FL 32209  
(904) 244-8525  
<https://med.jax.ufl.edu/administrative-affairs/>



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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Wednesday, September 29, 2021 11:33 AM  
**To:** Young, Bill <Bill.Young@jax.ufl.edu>; Conde, Eric <Eric.Conde@jax.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FYI

I just denied Dr. Rathore's request to serve as an expert on behalf of the Duval County School Board's mask mandate. UF takes the position that as a state agency we will not permit our public employees, in their private capacities, to advocate for interests adverse to our interests as an extension of the state.

Thanks,  
Gary

Gary Wimsett, Jr., JD  
Assistant Vice President  
Office of the Provost

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:09:33 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019577 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019577  
**Discloser:** Frank Bova  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** Greg M Noonan at Corry Law Fire P.A.  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:10:35 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019857 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019857  
**Discloser:** Adam Stern  
**Department:** VM-COMP, DIAG & POP MEDICINE  
**Entity:** Guilday Law  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:12:49 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020164 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020164  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** charles usry  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:13:31 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00018499 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00018499  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Wickersmith Law  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:13:50 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019876 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019876  
**Discloser:** Timothy Morey  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Thompson & Miller  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:14:23 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019425 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019425  
**Discloser:** Nashat Moawad  
**Department:** MD-OBSTETRICS / GYNECOLOGY-GEN  
**Entity:** Huff Powell Bailey  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:16:33 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020175 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020175  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** jon pellett  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 08:16:55 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020208 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020208  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** bradley powers  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 09:16:48 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020088 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020088  
**Discloser:** Frederick Moore  
**Department:** MD-SURGERY-TRAUMA  
**Entity:** Diaz Law Group/Rolanda Diaz  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 09:18:47 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020098 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020098  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Cameron Hodges Law  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/11/2021 09:20:45 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020102 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020102  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Jason Weissman  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/11/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/12/2021 09:43:10 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020259 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020259  
**Discloser:** Christopher Robinson  
**Department:** MD-NEURO-NEUROCRITICAL CARE  
**Entity:** Cole, Scott & Kissane, PA  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/12/2021 11:25:07 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019004 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019004  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Cameron, Hodges, Coleman  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/12/2021 11:25:44 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00018512 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00018512  
**Discloser:** Michael Pulley  
**Department:** JX-NEUROLOGY-JACKSONVILLE  
**Entity:** Fisher Rushmer PA  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: In accord with the HSC Expert Witness Policy, please be advised another faculty member has requested and been granted approval to be engaged as an expert witness in this suit. In your consideration of this outside employment opportunity, you may wish to confer with your prospective employer to determine the potential that you and your UF colleague may be asked to provide conflicting testimony. In general, a faculty member or other employee is free to evaluate the case on its own merits in determining whether he or she will seek permission for outside employment as an expert witness even though another faculty member or other employee has already agreed to serve in that role for either party to the lawsuit.

Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.med.ufl.edu> ). Before undertaking expert medical reviews you should:

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/12/2021 03:10:06 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020401 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020401  
**Discloser:** Marc Zumberg  
**Department:** MD-HEMATOLOGY/ONCOLOGY  
**Entity:** Bobo,Ciotoli,White & Russel PA  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: In accord with the HSC Expert Witness Policy, please be advised another faculty member has requested and been granted approval to be engaged as an expert witness in this suit. In your consideration of this outside employment opportunity, you may wish to confer with your prospective employer to determine the potential that you and your UF colleague may be asked to provide conflicting testimony. In general, a faculty member or other employee is free to evaluate the case on its own merits in determining whether he or she will seek permission for outside employment as an expert witness even though another faculty member or other employee has already agreed to serve in that role for either party to the lawsuit.

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**From:** Anders, Pam  
**Sent time:** 10/13/2021 02:28:03 PM  
**Subject:** Expert Testimony re: Land Use

---

**Appointment**

**Required attendees:** Wimsett, Gary JR; Schneider, Trevor  
**Location:** <https://ufl.zoom.us/j/96834249815>  
**Start time:** Wednesday, October 13, 2021 3:30:00 PM  
**End time:** Wednesday, October 13, 2021 3:45:00 PM

---

Trevor – Gary just needs to talk to you for 10 min today if possible.

Thanks.

Pam

Hi there,

Pamela Anders is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

One tap mobile:

[REDACTED]

Meeting URL:

[REDACTED]

Meeting ID:

[REDACTED]

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

[REDACTED]

Meeting ID:

[REDACTED]

International numbers

Join from an H.323/SIP room system

[REDACTED]

Meeting ID:

[REDACTED]

SIP:

[REDACTED]

Skype for Business (Lync)

[REDACTED]

**From:** Anders,Pam  
**Sent time:** 10/13/2021 02:28:01 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Schneider,Trevor <tschneider@ufl.edu>  
**Subject:** Expert Testimony re: Land Use

Trevor – Gary just needs to talk to you for 10 min today if possible.  
Thanks.  
Pam



Hi there,

Pamela Anders is inviting you to a scheduled Zoom meeting.

### [Join Zoom Meeting](#)

[Redacted content]



**From:** Wimsett, Gary  
**Sent time:** 10/13/2021 02:28:27 PM  
**To:** Anders,Pam <panders@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Accepted: Expert Testimony re: Land Use

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**From:** Daniel Tilley <dtalley@acluf.org>  
**Sent time:** 10/13/2021 05:38:58 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power, Brian J <brian.power@ufl.edu>; Anders, Pam <panders@ufl.edu>  
**Subject:** letter concerning Dr. Daniel Smith's expert testimony  
**Attachments:** Letter re Dr. Smith's Expert Testimony.pdf

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[External Email]

Dear Assistant Vice President Wimsett and Director Powers,

I hope all is well with each of you. I have attached a letter concerning an urgent matter. In the letter, I request your response by 8pm ET.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida

4343 West Flagler St., Suite 400, Miami, FL 33134

Direct: 786.363.2714 | [dtalley@acluf.org](mailto:dtalley@acluf.org) | [acluf.org](http://acluf.org)

Pronouns: he, him, his



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October 13, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



**Re: Professor Smith's ability to serve as an expert witness in litigation concerning SB90**

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtilley@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

Dear Assistant Vice President Wimsett and Director Powers,

I write concerning a time-sensitive and important matter of academic freedom. One of the University's professors, Dr. Daniel A. Smith, informed me that he was recently denied the ability to serve as an expert witness in litigation challenging a voter-restriction law sometimes referred to as SB90. Specifically, his request was disapproved on the grounds that "Outside activities that may pose a conflict of interest to the executive branch of the State of Florida create a conflict for the University of Florida." This is a breathtaking admission that not only contravenes the most basic principles of academic freedom but also violates Dr. Smith's First Amendment freedom to speak.<sup>1</sup>

The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee's interest in speaking, and the public's interest in receiving the employee's speech, outweigh the government's legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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<sup>1</sup> Dr. Smith reserves all rights with respect to other grounds for overturning the denial—for example, any violation of the collective bargaining agreement or University policy on conflicts of interest).

*Garcetti v. Ceballos*, 547 U.S. 410 (2006). I will address each element in turn.

First, there is no question that Dr. Smith would be speaking in his capacity as a private citizen, not as an employee of the University.

[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question under *Garcetti* is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.



*Lane*, 573 U.S. at 240. In other words, although Dr. Smith’s testimony may relate to matters that he also teaches, he would still be testifying as a citizen because testifying in court as an expert witness is not part of his employment duties. Compare *Bott v. Bradshaw*, 791 F. App’x 41, 45 (11th Cir. 2019) (“Unlike the employee in *Lane v. Franks* whose ‘ordinary job responsibilities did not include testifying in court proceedings,’ one of [Deputy Sheriff] Bott’s essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff’s Office paid Bott for the time she expended testifying in the defendant’s bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.”) (cleaned up). Dr. Smith would be speaking as a citizen, not as an employee of UF.

Second, he would obviously be speaking on a matter of public concern. Indeed, UF’s cited reason for denying the request almost concedes as much. Governor DeSantis was a champion of SB90, among other voter-restriction measures. The fact that these measures have been highly controversial does not weigh against Dr. Smith’s participation—quite the opposite, the sociopolitical controversy around such measures merely confirms that these are matters of the upmost public concern.

Third, Dr. Smith’s interest in sharing his important perspective, and the public’s interest in better understanding the



operation of their own government, far outweigh any purported contrary interest that UF might have. Even assuming a different public employer would have any significant interest in preventing employees from testifying as an expert in their personal capacity, principles of academic freedom significantly reduce the scope of the government’s legitimate prerogative to police professors’ speech on matters of public concern. Universities are places for open and vigorous debate, not muzzling professors and students out of fear that a vindictive governor may retaliate. Moreover, it is hardly clear that Dr. Smith’s act of testifying would even conflict with the purported principles of the executive branch. To the contrary, beyond championing SB90 and being a prominent opponent of so-called “cancel culture,” Governor DeSantis also championed multiple pieces of legislation that he claimed were needed to protect the principles of freedom of expression in the State of Florida. Specifically, he secured the passage of an anti-“deplatforming” bill and a bill that, in the Governor’s office’s own words, “requires state colleges and universities to conduct annual assessments of the viewpoint diversity and intellectual freedom at their institutions to ensure that Florida’s postsecondary students will be shown diverse ideas and opinions, including those that they may disagree with or find uncomfortable.”<sup>2</sup> In other words (and while both of those laws suffer from their own problems), it is actually by *prohibiting* Dr. Smith’s speech that the University is contravening the repeatedly expressed free-speech values of the State of Florida and its Governor. But perhaps most importantly, UF simply should not be looking to Governor DeSantis to decide which speech activities it will permit its employees and students to engage in. That is precisely the opposite of the values that universities are thought to stand for.

Dr. Smith’s expert testimony would be given in his capacity as a private citizen and would be on a matter of great public concern. Moreover, his testimony would be crucial to the public’s understanding of one of their most valuable rights—the right to vote. I request that you immediately rescind the denial of

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<sup>2</sup> <https://www.flgov.com/2021/06/22/governor-ron-desantis-signs-legislation-to-set-the-pace-for-civics-education-in-america/>

Dr. Smith's participation as an expert witness in the SB90 litigation and that you let me know by 8pm ET that you have done so.

Sincerely,

Daniel Tilley



**From:** Wimsett, Gary  
**Sent time:** 10/13/2021 06:10:34 PM  
**To:** Fuller,Ryan R <ryanf@ufl.edu>  
**Subject:** Fwd: letter concerning Dr. Daniel Smith's expert testimony  
**Attachments:** image001.png Letter re Dr. Smith's Expert Testimony.pdf

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Sending to OGC for review

Gary Wimsett, Jr.

Begin forwarded message:

**From:** Daniel Tilley <dtilley@aclufl.org>  
**Date:** October 13, 2021 at 5:39:25 PM EDT  
**To:** "Wimsett, Gary" <gwimsett@ufl.edu>, "Power,Brian J" <brian.power@ufl.edu>, "Anders,Pam" <panders@ufl.edu>  
**Subject:** letter concerning Dr. Daniel Smith's expert testimony

-257 ?

[External Email]

Dear Assistant Vice President Wimsett and Director Powers,

I hope all is well with each of you. I have attached a letter concerning an urgent matter. In the letter, I request your response by 8pm ET.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his

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October 13, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



**Re: Professor Smith's ability to serve as an expert witness in litigation concerning SB90**

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtalley@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

Dear Assistant Vice President Wimsett and Director Powers,

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The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee's interest in speaking, and the public's interest in receiving the employee's speech, outweigh the government's legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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<sup>1</sup> Dr. Smith reserves all rights with respect to other grounds for overturning the denial—for example, any violation of the collective bargaining agreement or University policy on conflicts of interest).

*Garcetti v. Ceballos*, 547 U.S. 410 (2006). I will address each element in turn.

First, there is no question that Dr. Smith would be speaking in his capacity as a private citizen, not as an employee of the University.

[T]he mere fact that a citizen's speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question under *Garcetti* is whether the speech at issue is itself ordinarily within the scope of an employee's duties, not whether it merely concerns those duties.



*Lane*, 573 U.S. at 240. In other words, although Dr. Smith's testimony may relate to matters that he also teaches, he would still be testifying as a citizen because testifying in court as an expert witness is not part of his employment duties. Compare *Bott v. Bradshaw*, 791 F. App'x 41, 45 (11th Cir. 2019) ("Unlike the employee in *Lane v. Franks* whose 'ordinary job responsibilities did not include testifying in court proceedings,' one of [Deputy Sheriff] Bott's essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff's Office paid Bott for the time she expended testifying in the defendant's bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.") (cleaned up). Dr. Smith would be speaking as a citizen, not as an employee of UF.

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Third, Dr. Smith's interest in sharing his important perspective, and the public's interest in better understanding the



operation of their own government, far outweigh any purported contrary interest that UF might have. Even assuming a different public employer would have any significant interest in preventing employees from testifying as an expert in their personal capacity, principles of academic freedom significantly reduce the scope of the government's legitimate prerogative to police professors' speech on matters of public concern. Universities are places for open and vigorous debate, not muzzling professors and students out of fear that a vindictive governor may retaliate. Moreover, it is hardly clear that Dr. Smith's act of testifying would even conflict with the purported principles of the executive branch. To the contrary, beyond championing SB90 and being a prominent opponent of so-called "cancel culture," Governor DeSantis also championed multiple pieces of legislation that he claimed were needed to protect the principles of freedom of expression in the State of Florida. Specifically, he secured the passage of an anti-"deplatforming" bill and a bill that, in the Governor's office's own words, "requires state colleges and universities to conduct annual assessments of the viewpoint diversity and intellectual freedom at their institutions to ensure that Florida's postsecondary students will be shown diverse ideas and opinions, including those that they may disagree with or find uncomfortable."<sup>2</sup> In other words (and while both of those laws suffer from their own problems), it is actually by *prohibiting* Dr. Smith's speech that the University is contravening the repeatedly expressed free-speech values of the State of Florida and its Governor. But perhaps most importantly, UF simply should not be looking to Governor DeSantis to decide which speech activities it will permit its employees and students to engage in. That is precisely the opposite of the values that universities are thought to stand for.

Dr. Smith's expert testimony would be given in his capacity as a private citizen and would be on a matter of great public concern. Moreover, his testimony would be crucial to the public's understanding of one of their most valuable rights—the right to vote. I request that you immediately rescind the denial of

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<sup>2</sup> <https://www.flgov.com/2021/06/22/governor-ron-desantis-signs-legislation-to-set-the-pace-for-civics-education-in-america/>

Dr. Smith's participation as an expert witness in the SB90 litigation and that you let me know by 8pm ET that you have done so.

Sincerely,

Daniel Tilley



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Florida

**From:** Wimsett, Gary  
**Sent time:** 10/13/2021 07:14:57 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: letter concerning Dr. Daniel Smith's expert testimony  
**Attachments:** image001.png Letter re Dr. Smith's Expert Testimony.pdf

---

Just for your awareness. Working w Amy.

Gary Wimsett, Jr.

Begin forwarded message:

**From:** Daniel Tilley <dtilley@aclufl.org>  
**Date:** October 13, 2021 at 5:39:25 PM EDT  
**To:** "Wimsett, Gary" <gwimsett@ufl.edu>, "Power,Brian J" <brian.power@ufl.edu>, "Anders,Pam" <panders@ufl.edu>  
**Subject:** letter concerning Dr. Daniel Smith's expert testimony

-257 ?

[External Email]

Dear Assistant Vice President Wimsett and Director Powers,

I hope all is well with each of you. I have attached a letter concerning an urgent matter. In the letter, I request your response by 8pm ET.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**  
American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his

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October 13, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



**Re: Professor Smith's ability to serve as an expert witness in litigation concerning SB90**

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtalley@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

Dear Assistant Vice President Wimsett and Director Powers,

I write concerning a time-sensitive and important matter of academic freedom. One of the University's professors, Dr. Daniel A. Smith, informed me that he was recently denied the ability to serve as an expert witness in litigation challenging a voter-restriction law sometimes referred to as SB90. Specifically, his request was disapproved on the grounds that "Outside activities that may pose a conflict of interest to the executive branch of the State of Florida create a conflict for the University of Florida." This is a breathtaking admission that not only contravenes the most basic principles of academic freedom but also violates Dr. Smith's First Amendment freedom to speak.<sup>1</sup>

The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee's interest in speaking, and the public's interest in receiving the employee's speech, outweigh the government's legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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*Garcetti v. Ceballos*, 547 U.S. 410 (2006). I will address each element in turn.

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*Lane*, 573 U.S. at 240. In other words, although Dr. Smith's testimony may relate to matters that he also teaches, he would still be testifying as a citizen because testifying in court as an expert witness is not part of his employment duties. Compare *Bott v. Bradshaw*, 791 F. App'x 41, 45 (11th Cir. 2019) ("Unlike the employee in *Lane v. Franks* whose 'ordinary job responsibilities did not include testifying in court proceedings,' one of [Deputy Sheriff] Bott's essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff's Office paid Bott for the time she expended testifying in the defendant's bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.") (cleaned up). Dr. Smith would be speaking as a citizen, not as an employee of UF.

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<sup>2</sup> <https://www.flgov.com/2021/06/22/governor-ron-desantis-signs-legislation-to-set-the-pace-for-civics-education-in-america/>

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Sincerely,

Daniel Tilley



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Florida

**From:** Glover,Joseph  
**Sent time:** 10/13/2021 07:35:05 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: letter concerning Dr. Daniel Smith's expert testimony

---

Thx

On Oct 13, 2021, at 7:14 PM, Wimsett, Gary <gwimsett@ufl.edu> wrote:

-257 ? Just for your awareness. Working w Amy.

Gary Wimsett, Jr.

Begin forwarded message:

**From:** Daniel Tilley <dtilley@aclufl.org>  
**Date:** October 13, 2021 at 5:39:25 PM EDT  
**To:** "Wimsett, Gary" <gwimsett@ufl.edu>, "Power,Brian J" <brian.power@ufl.edu>, "Anders,Pam" <panders@ufl.edu>  
**Subject:** letter concerning Dr. Daniel Smith's expert testimony

-257 ?

[External Email]

Dear Assistant Vice President Wimsett and Director Powers,

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I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**  
American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his

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<image001.png>

<Letter re Dr. Smith's Expert Testimony.pdf>

**From:** Glover,Joseph  
**Sent time:** 10/13/2021 07:35:16 PM  
**To:** Phillips, Winfred M <wphil@ufl.edu>  
**Subject:** Fwd: letter concerning Dr. Daniel Smith's expert testimony  
**Attachments:** image001.png Letter re Dr. Smith's Expert Testimony.pdf

---

Just FYI

Begin forwarded message:

**From:** "Wimsett, Gary" <gwimsett@ufl.edu>  
**Date:** October 13, 2021 at 7:14:59 PM EDT  
**To:** "Glover,Joseph" <jglover@aa.ufl.edu>  
**Subject:** Fwd: letter concerning Dr. Daniel Smith's expert testimony

-257 ? Just for your awareness. Working w Amy.

Gary Wimsett, Jr.

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**From:** Daniel Tilley <dtilley@acluf.org>  
**Date:** October 13, 2021 at 5:39:25 PM EDT  
**To:** "Wimsett, Gary" <gwimsett@ufl.edu>, "Power,Brian J" <brian.power@ufl.edu>, "Anders,Pam" <panders@ufl.edu>  
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-257 ?

[External Email]

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October 13, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



Florida

4343 West Flagler Street  
Suite 400  
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(786) 363-2714 (Direct)  
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Daniel Tilley  
Legal Director

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Sincerely,

Daniel Tilley



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Florida

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/14/2021 03:26:42 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019498 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019498  
**Discloser:** Kevin Farmer  
**Department:** MD-ORTHOPAEDICS / REHAB  
**Entity:** Hill Ward Henderson Attorney at Law  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/14/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

---

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/14/2021 03:31:29 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020444 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020444  
**Discloser:** Marc Zumberg  
**Department:** MD-HEMATOLOGY/ONCOLOGY  
**Entity:** Hinshaw & Culbertson LLP  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/14/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/14/2021 03:46:48 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020473 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020473  
**Discloser:** Anita Rajasekhar  
**Department:** MD-HEMATOLOGY/ONCOLOGY  
**Entity:** Thompson, Miller, and Simpson, PSC.  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/14/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Daniel Tilley <dtalley@acluf.org>  
**Sent time:** 10/14/2021 04:16:45 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power, Brian J <brian.power@ufl.edu>; Anders, Pam <panders@ufl.edu>  
**Subject:** letter concerning Dr. Michael McDonald's expert testimony  
**Attachments:** Letter re Michael McDonald as Expert.pdf

---

[External Email]

Dear Assistant Vice President Wimsett and Director Power,

I hope all remains well with you. I have attached an additional letter concerning a matter of academic freedom.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtalley@acluf.org](mailto:dtalley@acluf.org) | [acluf.org](http://acluf.org)  
Pronouns: he, him, his

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Florida

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October 14, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



Florida

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtilly@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

Re: **Professor McDonald’s ability to serve as an expert witness in litigation concerning SB90**

Dear Assistant Vice President Wimsett and Director Power,

I write concerning a critical matter of academic freedom. One of the University’s professors, Dr. Michael P. McDonald, informed me that he was recently denied the ability to serve as an expert witness in litigation challenging a voter-restriction law sometimes referred to as SB90. Specifically, the denial stated: “UF will deny its employees’ requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF’s interests.” This strikingly broad exclusion violates Dr. McDonald’s First Amendment freedom to speak and makes a mockery of the principles of academic freedom that an institution like the University of Florida is supposed to stand for.<sup>1</sup>

The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee’s interest in speaking, and the public’s interest in receiving the employee’s speech, outweigh the government’s legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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<sup>1</sup> Dr. McDonald reserves all rights with respect to other grounds for overturning the denial—for example, any violation of the collective bargaining agreement or University policy on conflicts of interest.

*Garcetti v. Ceballos*, 547 U.S. 410 (2006). I will address each element in turn.

First, there is no question that Dr. McDonald would be speaking in his capacity as a private citizen, not as an employee of the University.

[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question under *Garcetti* is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.

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*Lane*, 573 U.S. at 240. In other words, although Dr. McDonald’s testimony may relate to matters that he also teaches, he would still be testifying as a citizen because testifying in court as an expert witness is not part of his employment duties. Compare *Bott v. Bradshaw*, 791 F. App’x 41, 45 (11th Cir. 2019) (“Unlike the employee in *Lane v. Franks* whose ‘ordinary job responsibilities did not include testifying in court proceedings,’ one of [Deputy Sheriff] Bott’s essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff’s Office paid Bott for the time she expended testifying in the defendant’s bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.”) (cleaned up). Dr. McDonald would be speaking as a citizen, not as an employee of UF.

Second, he would obviously be speaking on a matter of public concern. Voter-restriction measures like SB90 go to the core of our democracy. The fact that the law is highly controversial does not weigh against Dr. McDonald’s participation—quite the opposite, the sociopolitical controversy around such measures merely confirms that these are matters of the upmost public concern.

Third, Dr. McDonald’s interest in sharing his important perspective, and the public’s interest in better understanding the operation of their own government, far outweigh any purported



contrary interest that UF might have. Even assuming a different public employer would have any significant interest in preventing employees from testifying as an expert in their personal capacity, principles of academic freedom significantly reduce the scope of the government’s legitimate prerogative to police professors’ speech on matters of public concern. Universities are places for open and vigorous debate, not muzzling professors and students because they dare to say something that the state government may not like. That a university in the United States would so openly and brazenly declare itself fully in the pocket of the government is nothing short of shocking. Your school teaches students to think for themselves, yet the school cowers in fear at the thought of its faculty upsetting government officials. I know of no principle of law or academic freedom that remotely suggests it is appropriate for universities to fall in complete ideological alignment with the state. *See Nat’l Treasury Employees Union v. United States*, 513 U.S. 454, 468 (1995) (holding that, to justify an ex ante policy restriction on employee speech, “[t]he Government must show that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by that expression’s ‘necessary impact on the actual operation’ of the Government”). The University of Florida is filled with faculty who make wonderful contributions in innumerable areas in which the State of Florida also has an interest—health, the environment, Native American tribes, voting, criminal justice, agriculture, and countless others—yet your position is that these experts cannot offer their own expertise if their views differ from the position of the State of Florida. Indeed, absurdly, your position would prevent the University of Florida from hiring any experts to defend *itself* in litigation it might be involved in against any state actors.

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<sup>2</sup> <https://www.flgov.com/2021/05/24/governor-ron-desantis-signs-bill-to-stop-the-censorship-of-floridians-by-big-tech/>

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But beyond being nonsensical—and an embarrassment to the values that universities are thought to stand for—your censorship of Dr. McDonald is unconstitutional. Dr. McDonald’s expert testimony would be given in his capacity as a private citizen and would be on a matter of great public concern. Moreover, his testimony would be crucial to the public’s understanding of one of their most valuable rights—the right to vote. I request that you promptly rescind the denial of Dr. McDonald’s participation as an expert witness in the SB90 litigation.

Sincerely,

Daniel Tilley

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**From:** Power,Brian J  
**Sent time:** 10/14/2021 05:07:12 PM  
**To:** Hass,Amy Meyers <amhass@UFL.EDU>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Michael McDonald's expert testimony  
**Attachments:** Letter re Michael McDonald as Expert.pdf

---

Hi Amy,

Sharing another letter we received from ACLU attorney. Gary asked me to share with you.

Thanks,  
Brian

**Brian J. Power, J.D.**  
Director, Conflicts of Interest  
[Conflicts of Interest Program](#)  
Accountability | Integrity | Transparency | Consistency  
Office of the Provost  
University of Florida

Phone: 352-294-6355  
Email: [Brian.Power@ufl.edu](mailto:Brian.Power@ufl.edu)

PO Box 112800, Gainesville, 32601

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**From:** Daniel Tilley <dtalley@aclufi.org>  
**Sent:** Thursday, October 14, 2021 4:17 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>; Anders,Pam <panders@ufl.edu>  
**Subject:** letter concerning Dr. Michael McDonald's expert testimony  
**Importance:** High

[External Email]

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Via email: gwimsett@ufl.edu  
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**From:** Hass,Amy Meyers  
**Sent time:** 10/14/2021 05:20:58 PM  
**To:** Power,Brian J <brian.power@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: letter concerning Dr. Michael McDonald's expert testimony  
**Attachments:** image001.png

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Thanks Brian.

Sent from my iPhone

On Oct 14, 2021, at 4:07 PM, Power,Brian J <brian.power@ufl.edu> wrote:

-257 ?

Hi Amy,

Sharing another letter we received from ACLU attorney. Gary asked me to share with you.

Thanks,  
Brian

**Brian J. Power, J.D.**  
Director, Conflicts of Interest  
[Conflicts of Interest Program](#)  
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Phone: 352-294-6355

Email: [Brian.Power@ufl.edu](mailto:Brian.Power@ufl.edu)

PO Box 112800, Gainesville, 32601

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**From:** Daniel Tilley <dtilley@aclufl.org>  
**Sent:** Thursday, October 14, 2021 4:17 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>; Anders,Pam <panders@ufl.edu>  
**Subject:** letter concerning Dr. Michael McDonald's expert testimony  
**Importance:** High

**[External Email]**

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<image001.png>

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<Letter re Michael McDonald as Expert.pdf>

# ACLU

AMERICAN CIVIL LIBERTIES UNION  
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Florida

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:51:45 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020212 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020212  
**Discloser:** Edward McGough  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Bush Graziano Rice & Platter, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
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Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:53:34 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020244 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020244  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Wicker, Smith, O'Hara, McCoy, and Ford PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:54:05 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020238 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020238  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Cameron, Hodges, Coleman  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:54:48 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
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Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:55:10 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020426 UFOLIO Ancillary Review Submitted

---

# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020426  
**Discloser:** William Friedman  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** Quinlivan and Hughes, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:55:46 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020497 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020497  
**Discloser:** Timothy Morey  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Bush Graziano Rice & Platter, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:57:13 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020239 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020239  
**Discloser:** Anita Rajasekhar  
**Department:** MD-HEMATOLOGY/ONCOLOGY  
**Entity:** Commonwealth Law Group, PLLC  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/15/2021 08:57:38 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020217 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020217  
**Discloser:** Oliver Grundmann  
**Department:** PH-ENT PROGRAMS MEDICINAL CHEM  
**Entity:** Office of the Federal Public Defender, Southern District of Mississippi  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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**From:** Daniel Tilley <dtalley@acluf.org>  
**Sent time:** 10/18/2021 04:28:05 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power, Brian J <brian.power@ufl.edu>; Anders, Pam <panders@ufl.edu>  
**Subject:** letter concerning Dr. Sharon Austin's expert testimony  
**Attachments:** Letter re Sharon Austin as Expert.pdf

---

[External Email]

Dear Assistant Vice President Wimsett and Director Power,

I write a third time concerning another important matter of academic freedom.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtalley@acluf.org](mailto:dtalley@acluf.org) | [acluf.org](http://acluf.org)  
Pronouns: he, him, his

**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
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Florida

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October 18, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



Florida

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtilly@aclufl.org  
aclufl.org

Daniel Tilley  
Legal Director

**Re: Professor Austin’s ability to serve as an expert witness in litigation concerning SB90**

Dear Assistant Vice President Wimsett and Director Power,

I write concerning a critical matter of academic freedom. One of the University’s professors, Dr. Sharon Austin, informed me that she was recently denied the ability to serve as an expert witness in litigation challenging a voter-restriction law sometimes referred to as SB90. Specifically, the denial stated: “UF will deny its employees’ requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF’s interests.” This strikingly broad exclusion violates Dr. Austin’s First Amendment freedom to speak and makes a mockery of the principles of academic freedom that an institution like the University of Florida is supposed to stand for.<sup>1</sup>

The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee’s interest in speaking, and the public’s interest in receiving the employee’s speech, outweigh the government’s legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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<sup>1</sup> Dr. Austin reserves all rights with respect to other grounds for overturning the denial—for example, any violation of the collective bargaining agreement or University policy on conflicts of interest.

*Garcetti v. Ceballos*, 547 U.S. 410 (2006). I will address each element in turn.

First, there is no question that Dr. Austin would be speaking in her capacity as a private citizen, not as an employee of the University.

[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question under *Garcetti* is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.



*Lane*, 573 U.S. at 240. In other words, although Dr. Austin’s testimony may relate to matters that she also teaches, she would still be testifying as a citizen because testifying in court as an expert witness is not part of her employment duties. *Compare Bott v. Bradshaw*, 791 F. App’x 41, 45 (11th Cir. 2019) (“Unlike the employee in *Lane v. Franks* whose ‘ordinary job responsibilities did not include testifying in court proceedings,’ one of [Deputy Sheriff] Bott’s essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff’s Office paid Bott for the time she expended testifying in the defendant’s bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.”) (cleaned up). Dr. Austin would be speaking as a citizen, not as an employee of UF.

Second, she would obviously be speaking on a matter of public concern. Voter-restriction measures like SB90 go to the core of our democracy. The fact that the law is highly controversial does not weigh against Dr. Austin’s participation—quite the opposite, the sociopolitical controversy around such measures merely confirms that these are matters of the upmost public concern.

Third, Dr. Austin’s interest in sharing her important perspective, and the public’s interest in better understanding the operation of their own government, far outweigh any purported



contrary interest that UF might have. Even assuming a different public employer would have any significant interest in preventing employees from testifying as an expert in their personal capacity, principles of academic freedom significantly reduce the scope of the government’s legitimate prerogative to police professors’ speech on matters of public concern. Universities are places for open and vigorous debate, not muzzling professors and students because they dare to say something that the state government may not like. That a university in the United States would so openly and brazenly declare itself fully in the pocket of the government is nothing short of shocking. Your school teaches students to think for themselves, yet the school cowers in fear at the thought of its faculty upsetting government officials. I know of no principle of law or academic freedom that remotely suggests it is appropriate for universities to fall in complete ideological alignment with the state. *See Nat’l Treasury Employees Union v. United States*, 513 U.S. 454, 468 (1995) (holding that, to justify an ex ante policy restriction on employee speech, “[t]he Government must show that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by that expression’s ‘necessary impact on the actual operation’ of the Government”). The University of Florida is filled with faculty who make wonderful contributions in innumerable areas in which the State of Florida also has an interest—health, the environment, Native American tribes, voting, criminal justice, agriculture, and countless others—yet your position is that these experts cannot offer their own expertise if their views differ from the position of the State of Florida. Indeed, absurdly, your position would prevent the University of Florida from hiring any experts to defend *itself* in litigation it might be involved in against any state actors.

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<sup>2</sup> <https://www.flgov.com/2021/05/24/governor-ron-desantis-signs-bill-to-stop-the-censorship-of-floridians-by-big-tech/>

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Sincerely,

Daniel Tilley

---

<sup>3</sup> <https://www.flgov.com/2021/06/22/governor-ron-desantis-signs-legislation-to-set-the-pace-for-civics-education-in-america/>

**From:** Wimsett, Gary  
**Sent time:** 10/18/2021 05:18:11 PM  
**To:** Hass,Amy Meyers <amhass@UFL.EDU>; Fuller,Ryan R <ryanf@ufl.edu>  
**Subject:** Fwd: letter concerning Dr. Sharon Austin's expert testimony  
**Attachments:** image001.png Letter re Sharon Austin as Expert.pdf

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FYI. Thanks.

Gary Wimsett, Jr.

Begin forwarded message:

**From:** Daniel Tilley <dtilley@aclufl.org>  
**Date:** October 18, 2021 at 4:28:46 PM EDT  
**To:** "Wimsett, Gary" <gwimsett@ufl.edu>, "Power,Brian J" <brian.power@ufl.edu>, "Anders,Pam" <panders@ufl.edu>  
**Subject:** letter concerning Dr. Sharon Austin's expert testimony

-257 ?

[External Email]

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**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida  
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Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his

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October 18, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



Florida

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtalley@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

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Daniel Tilley

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# ACLU

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Florida

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/19/2021 08:37:11 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020539 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020539  
**Discloser:** Siegfried Schmidt  
**Department:** MD-CHFM SPRINGHILL  
**Entity:** Greco & Wozniak, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/19/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/19/2021 08:37:29 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020546 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020546  
**Discloser:** Eric Rosenberg  
**Department:** MD-INTERNAL MEDICINE  
**Entity:** US GOVERNMENT  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/19/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/19/2021 08:38:13 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019033 UFOLIO Ancillary Review Submitted

---

# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019033  
**Discloser:** Kevin Farmer  
**Department:** MD-ORTHOPAEDICS / REHAB  
**Entity:** Thompson & Evangelo  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/19/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/19/2021 08:38:47 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020575 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020575  
**Discloser:** William Friedman  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** Childs, hester, and Love PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/19/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Wimsett, Gary  
**Sent time:** 10/19/2021 12:57:41 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Sharon Austin's expert testimony  
**Attachments:** Letter re Sharon Austin as Expert.pdf

---

For your awareness.

This is the third letter as we now have three professors wishing to engage in the same activity. [REDACTED]

[REDACTED]

Thanks,  
Gary

---

**From:** Daniel Tilley <dtalley@aclufl.org>  
**Sent:** Monday, October 18, 2021 4:28 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>; Anders,Pam <panders@ufl.edu>  
**Subject:** letter concerning Dr. Sharon Austin's expert testimony

[External Email]

Dear Assistant Vice President Wimsett and Director Power,

I write a third time concerning another important matter of academic freedom.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtalley@aclufl.org](mailto:dtalley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his



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October 18, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



Florida

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtalley@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

**Re: Professor Austin’s ability to serve as an expert witness in litigation concerning SB90**

Dear Assistant Vice President Wimsett and Director Power,

I write concerning a critical matter of academic freedom. One of the University’s professors, Dr. Sharon Austin, informed me that she was recently denied the ability to serve as an expert witness in litigation challenging a voter-restriction law sometimes referred to as SB90. Specifically, the denial stated: “UF will deny its employees’ requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF’s interests.” This strikingly broad exclusion violates Dr. Austin’s First Amendment freedom to speak and makes a mockery of the principles of academic freedom that an institution like the University of Florida is supposed to stand for.<sup>1</sup>

The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee’s interest in speaking, and the public’s interest in receiving the employee’s speech, outweigh the government’s legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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<sup>1</sup> Dr. Austin reserves all rights with respect to other grounds for overturning the denial—for example, any violation of the collective bargaining agreement or University policy on conflicts of interest.

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First, there is no question that Dr. Austin would be speaking in her capacity as a private citizen, not as an employee of the University.

[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question under *Garcetti* is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.



*Lane*, 573 U.S. at 240. In other words, although Dr. Austin’s testimony may relate to matters that she also teaches, she would still be testifying as a citizen because testifying in court as an expert witness is not part of her employment duties. Compare *Bott v. Bradshaw*, 791 F. App’x 41, 45 (11th Cir. 2019) (“Unlike the employee in *Lane v. Franks* whose ‘ordinary job responsibilities did not include testifying in court proceedings,’ one of [Deputy Sheriff] Bott’s essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff’s Office paid Bott for the time she expended testifying in the defendant’s bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.”) (cleaned up). Dr. Austin would be speaking as a citizen, not as an employee of UF.

Second, she would obviously be speaking on a matter of public concern. Voter-restriction measures like SB90 go to the core of our democracy. The fact that the law is highly controversial does not weigh against Dr. Austin’s participation—quite the opposite, the sociopolitical controversy around such measures merely confirms that these are matters of the upmost public concern.

Third, Dr. Austin’s interest in sharing her important perspective, and the public’s interest in better understanding the operation of their own government, far outweigh any purported



contrary interest that UF might have. Even assuming a different public employer would have any significant interest in preventing employees from testifying as an expert in their personal capacity, principles of academic freedom significantly reduce the scope of the government’s legitimate prerogative to police professors’ speech on matters of public concern. Universities are places for open and vigorous debate, not muzzling professors and students because they dare to say something that the state government may not like. That a university in the United States would so openly and brazenly declare itself fully in the pocket of the government is nothing short of shocking. Your school teaches students to think for themselves, yet the school cowers in fear at the thought of its faculty upsetting government officials. I know of no principle of law or academic freedom that remotely suggests it is appropriate for universities to fall in complete ideological alignment with the state. *See Nat’l Treasury Employees Union v. United States*, 513 U.S. 454, 468 (1995) (holding that, to justify an ex ante policy restriction on employee speech, “[t]he Government must show that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by that expression’s ‘necessary impact on the actual operation’ of the Government”). The University of Florida is filled with faculty who make wonderful contributions in innumerable areas in which the State of Florida also has an interest—health, the environment, Native American tribes, voting, criminal justice, agriculture, and countless others—yet your position is that these experts cannot offer their own expertise if their views differ from the position of the State of Florida. Indeed, absurdly, your position would prevent the University of Florida from hiring any experts to defend *itself* in litigation it might be involved in against any state actors.

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<sup>2</sup> <https://www.flgov.com/2021/05/24/governor-ron-desantis-signs-bill-to-stop-the-censorship-of-floridians-by-big-tech/>

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Daniel Tilley

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**From:** Wimsett, Gary  
**Sent time:** 10/19/2021 01:00:17 PM  
**To:** Brian John Power (brian.power@ufl.edu) <brian.power@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Sharon Austin's expert testimony  
**Attachments:** Letter re Sharon Austin as Expert.pdf

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FYI

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, October 19, 2021 12:58 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Sharon Austin's expert testimony

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**From:** Daniel Tilley <[dtilley@aclufl.org](mailto:dtilley@aclufl.org)>  
**Sent:** Monday, October 18, 2021 4:28 PM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>; Power, Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)>; Anders, Pam <[panders@ufl.edu](mailto:panders@ufl.edu)>  
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Florida

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October 18, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



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**From:** Glover,Joseph  
**Sent time:** 10/19/2021 01:16:49 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: letter concerning Dr. Sharon Austin's expert testimony

Cell 352-226-2037

---

**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, October 19, 2021 12:58 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
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**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>; Power,Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)>; Anders,Pam <[panders@ufl.edu](mailto:panders@ufl.edu)>  
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Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his

The logo for the American Civil Liberties Union (ACLU) of Florida, featuring the letters "ACLU" in a large, bold, blue sans-serif font.

AMERICAN CIVIL LIBERTIES UNION  
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**From:** Glover,Joseph  
**Sent time:** 10/19/2021 01:16:40 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: letter concerning Dr. Sharon Austin's expert testimony

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Can you give me a call?

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, October 19, 2021 12:58 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Sharon Austin's expert testimony

For your awareness.

This is the third letter as we now have three professors wishing to engage in the same activity. [REDACTED]

[REDACTED]

Thanks,  
Gary

---

**From:** Daniel Tilley <[dtilley@aclufl.org](mailto:dtilley@aclufl.org)>  
**Sent:** Monday, October 18, 2021 4:28 PM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>; Power,Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)>; Anders,Pam <[panders@ufl.edu](mailto:panders@ufl.edu)>  
**Subject:** letter concerning Dr. Sharon Austin's expert testimony

[External Email]

Dear Assistant Vice President Wimsett and Director Power,

I write a third time concerning another important matter of academic freedom.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**

American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his



Florida

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/21/2021 03:54:26 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020574 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020574  
**Discloser:** Jane Aldrich  
**Department:** PH-MEDICINAL CHEMISTRY  
**Entity:** Scitemex  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/21/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/21/2021 04:00:21 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020807 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020807  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Thompson & Evangelo  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/21/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/21/2021 04:03:24 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020545 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020545  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** victoria gonzalez  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/21/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Koch, Colleen G.  
**Sent time:** 10/24/2021 04:13:26 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level 1 pending

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Gary-- I would like to send the note below however wanted you to edit and provide information. There are too many requests coming in without supporting documentation on the amount of time spent on each. Having the \$ paid from each firm will provide supporting documentation that would allow the management of conflict of commitment.

Please advise.

Thanks!

Tony,

In 2022 you will need to work with folks up the hill in compliance to manage these requests. Gary is on the AAMC Board for COI/COC. As mentioned when I arrived, Adrian and the team noted you were an outlier with the multiple requests coming in. My concern is your conflict of commitment- the Dept. currently has a number of areas that need your attention and will need the development of a Departmental strategic plan, compensation plan, active recruitment strategy and more.

I am requesting you work to develop all hours spent via these outside interests in a single spreadsheet with the report including the total amount of compensation from each firm which provides supportive data on the effort for each. Gary is the expert in this space and will provide you with recommendations moving forward.

---

**From:** Mancuso, Anthony A. <mancua@radiology.ufl.edu>  
**Sent:** Saturday, October 23, 2021 10:13 AM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Subject:** Level 1 pending

Dear Colleen

There are three Level 1 matters pending for about 4 weeks. Two are renewals one has been approved twice previously and they may require video testimony (two or 3 hours) this year or will settle. The other is defending a doc at ORMC

Would appreciate your help with those and newly submitted two of which are defending docs and some renewal

I am holding new matters to a rate of 1 or 1.5 per week to stay far under suggested time commitment threshold

Thanks in advance

T

Sent from my iPhone

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 08:01:35 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020589 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020589  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Wright & Casey, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 08:02:49 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020588 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020588  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Bice Cole Law Firm, PL  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 08:03:02 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020587 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020587  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Fisher Rushmer PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 08:03:39 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020777 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020777  
**Discloser:** James Scolapio  
**Department:** JX-MEDICINE AT JAX  
**Entity:** La Cava Jacobson & Goodis  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 08:04:07 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020757 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020757  
**Discloser:** Robert Williams  
**Department:** MD-OBSTETRICS / GYNECOLOGY-GEN  
**Entity:** Falk, Waas, Hernandez, Cortina, Solomon, & Bonner, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 08:04:39 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020641 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020641  
**Discloser:** Martin Zenni  
**Department:** JX-MEDICINE AT JAX  
**Entity:** Walborsky & Bradley Certified Trial Lawyers  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/25/2021 10:16:08 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020845 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020845  
**Discloser:** Peter Dziegielewski  
**Department:** MD-OTOLARYNGOLOGY  
**Entity:** Wicker Smith  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/25/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

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If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

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**From:** Wimsett, Gary  
**Sent time:** 10/25/2021 01:45:14 PM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Subject:** Re: Level 1 pending

---

Hi. I'm traveling today but will have some notes for you by COB tomorrow. A challenge with Tony is that he asserts that, notwithstanding a high number of engagements, he keeps his time commitment below 8 hours per week. I'll have some ideas tho.

I'm happy to report I'm the new Chair Elect for the AAMC's Forum on COI.

Thanks,

Gary Wimsett, Jr.

On Oct 24, 2021, at 4:13 PM, Koch, Colleen G. <kochc@ufl.edu> wrote:

-257 ?

Gary-- I would like to send the note below however wanted you to edit and provide information. There are too many requests coming in without supporting documentation on the amount of time spent on each. Having the \$ paid from each firm will provide supporting documentation that would allow the management of conflict of commitment.

Please advise.

Thanks!

Tony,

In 2022 you will need to work with folks up the hill in compliance to manage these requests. Gary is on the AAMC Board for COI/COC. As mentioned when I arrived, Adrian and the team noted you were an outlier with the multiple requests coming in. My concern is your conflict of commitment- the Dept. currently has a number of areas that need your attention and will need the development of a Departmental strategic plan, compensation plan, active recruitment strategy and more.

I am requesting you work to develop all hours spent via these outside interests in a single spreadsheet with the report including the total amount of compensation from each firm which provides supportive data on the effort for each. Gary is the expert in this space and will provide you with recommendations moving forward.

---

**From:** Mancuso, Anthony A. <mancua@radiology.ufl.edu>  
**Sent:** Saturday, October 23, 2021 10:13 AM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Subject:** Level 1 pending

Dear Colleen

There are three Level 1 matters pending for about 4 weeks. Two are renewals one has been approved twice previously and they may require video testimony (two or 3 hours) this year or will settle. The other is defending a doc at ORMC

Would appreciate your help with those and newly submitted two of which are defending docs and some renewal

I am holding new matters to a rate of 1 or 1.5 per week to stay far under suggested time commitment threshold

Thanks in advance

T

**From:** Wimsett, Gary  
**Sent time:** 10/25/2021 01:45:31 PM  
**To:** Power,Brian J <brian.power@ufl.edu>  
**Subject:** Fwd: Level 1 pending

---

Putting this on your radar

Gary Wimsett, Jr.

Begin forwarded message:

**From:** "Koch, Colleen G." <kochc@ufl.edu>  
**Date:** October 24, 2021 at 4:13:28 PM EDT  
**To:** "Wimsett, Gary" <gwimsett@ufl.edu>  
**Subject:** **Re: Level 1 pending**

-257 ?

Gary-- I would like to send the note below however wanted you to edit and provide information. There are too many requests coming in without supporting documentation on the amount of time spent on each. Having the \$ paid from each firm will provide supporting documentation that would allow the management of conflict of commitment.

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**Sent:** Saturday, October 23, 2021 10:13 AM  
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**Subject:** Level 1 pending

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T

**From:** Koch, Colleen G.  
**Sent time:** 10/25/2021 02:54:09 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level 1 pending

---

Thank you Gary.

Congrats on becoming the New Chair elect!

Best,

CK

Colleen Koch, MD, MS, MBA  
Folke H. Peterson Dean's Distinguished Professor  
Dean, University of Florida College of Medicine  
Box 100215  
Gainesville, FL 32610-0215  
Email: [kochc@ufl.edu](mailto:kochc@ufl.edu)  
352.273.7500

---

**From:** Gary Wimsett <gwimsett@ufl.edu>  
**Date:** Monday, October 25, 2021 at 1:45 PM  
**To:** Colleen Koch <kochc@ufl.edu>  
**Subject:** Re: Level 1 pending

Hi. I'm traveling today but will have some notes for you by COB tomorrow. A challenge with Tony is that he asserts that, notwithstanding a high number of engagements, he keeps his time commitment below 8 hours per week. I'll have some ideas tho.

I'm happy to report I'm the new Chair Elect for the AAMC's Forum on COI.

Thanks,

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**From:** Mancuso, Anthony A. <mancua@radiology.ufl.edu>

**Sent:** Saturday, October 23, 2021 10:13 AM

**To:** Koch, Colleen G. <kochc@ufl.edu>

**Subject:** Level 1 pending

Dear Colleen

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Thanks in advance

T

Sent from my iPhone

**From:** Power,Brian J  
**Sent time:** 10/25/2021 02:59:53 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Level 1 pending

---

Thanks. Happy to help if you need anything here.

**Brian J. Power, J.D.**

Director, Conflicts of Interest

[Conflicts of Interest Program](#)

Accountability | Integrity | Transparency | Consistency

Office of the Provost

University of Florida

Phone: 352-294-6355

Email: [Brian.Power@ufl.edu](mailto:Brian.Power@ufl.edu)

PO Box 112800, Gainesville, 32601

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Monday, October 25, 2021 1:46 PM  
**To:** Power,Brian J <brian.power@ufl.edu>  
**Subject:** Fwd: Level 1 pending

Putting this on your radar

Gary Wimsett, Jr.

Begin forwarded message:

**From:** "Koch, Colleen G." <[kochc@ufl.edu](mailto:kochc@ufl.edu)>  
**Date:** October 24, 2021 at 4:13:28 PM EDT  
**To:** "Wimsett, Gary" <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>  
**Subject:** Re: Level 1 pending

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---

**From:** Mancuso, Anthony A. <[mancua@radiology.ufl.edu](mailto:mancua@radiology.ufl.edu)>

**Sent:** Saturday, October 23, 2021 10:13 AM

**To:** Koch, Colleen G. <[koche@ufl.edu](mailto:koche@ufl.edu)>

**Subject:** Level 1 pending

Dear Colleen

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Would appreciate your help with those and newly submitted two of which are defending docs and some renewal

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Thanks in advance

T

Sent from my iPhone

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/26/2021 08:22:23 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020800 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020800  
**Discloser:** Gregory Janelle  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Fowler White Burnett Attorneys at Law  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/26/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/26/2021 08:22:40 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020811 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020811  
**Discloser:** R Anderson  
**Department:** MD-CARDIOLOGY  
**Entity:** McEwan, Martinez, Dukes & Hall, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/26/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Koch, Colleen G.  
**Sent time:** 10/26/2021 10:06:25 AM  
**To:** Mancuso,Anthony A. <mancua@radiology.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level I COI matters submitted

---

Tony,

We have a meeting today and can discuss. Gary W will be involved with future requests.

Thank you,

CK

Colleen Koch, MD, MS, MBA  
Folke H. Peterson Dean's Distinguished Professor  
Dean, University of Florida College of Medicine  
Box 100215  
Gainesville, FL 32610-0215  
Email: [kochc@ufl.edu](mailto:kochc@ufl.edu)  
352.273.7500

---

**From:** Tony Mancuso <mancua@radiology.ufl.edu>  
**Date:** Tuesday, October 26, 2021 at 9:50 AM  
**To:** Colleen Koch <kochc@ufl.edu>  
**Subject:** Level I COI matters submitted

Dear Colleen

I know that I wrote you about this on Saturday , however, it does not appear as of this morning there has been action on my request.

As my own new policy I inform people who request my legal consulting services that our UF COI clearance process now can take as long as four weeks and if that does not conform to their business plan that I cannot participate. Given that condition a minority of those asking still request such consultation.

I had always assumed that renewals would be essentially automatic since there had been a previously established clearance and that a formed business relationship would be allowed to go forward. I had not informed the attorneys that renewal might not be forthcoming or might be substantially delayed.

Those two comments bring me to the following situations:

Two of the Level I submissions pending since about 9/25 are renewals in matters where I have already offered sworn testimony. This would be the third renewal for one of them since the matter was long dormant. In the next year I may have to offer additional sworn testimony in these matters but it is just as likely those matters will settle. Both renewals were submitted before the expiration date but now have lapsed and I cannot participate until they are renewed. One attorney has asked me for additional opinions but I have had to inform him I cannot do that until the renewal comes through. For me, that is a business ethics dilemma since I always comply with UF rules and regs. The other matter submitted in late September is one to help defend a radiologist in Orlando. Reference numbers on those are 19525, 19528 and 19834.

Two other more recent submissions are for the defense of physicians and I believe two are renewals of previously approved cases.

If these are not to be approved, I need to be as fair as possible with the interested parties, with regard to timely notification that I must withdraw or not participate.

As I mentioned previously my current time spent on these this outside activity is about 4 hours per week total keeping well within the bounds of possible time commitment conflict.

Thank you in advance for your help.

Respectfully,

T

**From:** Mancuso, Anthony A. <mancua@radiology.ufl.edu>  
**Sent time:** 10/26/2021 10:36:39 AM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level I COI matters submitted

---

Perfect

See you at 1

T

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**From:** Koch, Colleen G. <kochc@ufl.edu>  
**Sent:** Tuesday, October 26, 2021 10:06:25 AM  
**To:** Mancuso, Anthony A.  
**Cc:** Wimsett, Gary  
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Dean, University of Florida College of Medicine  
Box 100215  
Gainesville, FL 32610-0215  
Email: [kochc@ufl.edu](mailto:kochc@ufl.edu)  
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T

**From:** Wimsett, Gary  
**Sent time:** 10/26/2021 02:57:00 PM  
**To:** Brian John Power (brian.power@ufl.edu) <brian.power@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Level 1 pending

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FYI

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, October 26, 2021 2:56 PM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Level 1 pending

Hi Dean Koch,

I hope your meeting with Tony was fruitful. I very much like your draft note to him below; perhaps some of this was conveyed to him in your meeting this afternoon. The challenge with Tony remains the same – he does more expert work than anyone at the University but he continues to assert that these outside pursuits take less than 8 hours per week. UF does not have an 8 hour cap (although we are requesting one in our suggested revisions to UF's COI and Conflict of Commitment Policy) but, historically, we have used 8 hours as the standard for starting discussions about FTE reduction. Of course, I am not in a position to be able to verify whether his self-reported time commitment is accurate. I would note that most of our peers use either an express or implied 8 hour cap.

We can require him to create the kind of spreadsheet you describe in your draft note. This would absolutely help us assess whether his reported time commitment corresponds with his compensation retrospectively. It won't necessarily help us up front because he'll note that the compensation is TBD until the work is completed. I'll think about this more. I am not suggesting he is not being forthcoming and we would expect that any excessive outside commitment would be reflected in his and his department's performance and of course I cannot speak to this. He simply presents a unique challenge for us as the possibility for the perception of a conflict of commitment is quite high. I want to stay open to some creative solutions here. Would it be helpful for you to have a report of each chair's current outside activity portfolio for comparison. Perhaps your college could impose a rule specific to chairs?

Gary

---

**From:** Koch, Colleen G. <kochc@ufl.edu>  
**Sent:** Sunday, October 24, 2021 4:13 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level 1 pending

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**Sent:** Saturday, October 23, 2021 10:13 AM

**To:** Koch, Colleen G. <[kochc@ufl.edu](mailto:kochc@ufl.edu)>

**Subject:** Level 1 pending

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**From:** Wimsett, Gary  
**Sent time:** 10/26/2021 02:56:06 PM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
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Gary

---

**From:** Koch, Colleen G. <kochc@ufl.edu>  
**Sent:** Sunday, October 24, 2021 4:13 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level 1 pending

Gary-- I would like to send the note below however wanted you to edit and provide information. There are too many requests coming in without supporting documentation on the amount of time spent on each. Having the \$ paid from each firm will provide supporting documentation that would allow the management of conflict of commitment.

Please advise.

Thanks!

Tony,

In 2022 you will need to work with folks up the hill in compliance to manage these requests. Gary is on the AAMC Board for COI/COC. As mentioned when I arrived, Adrian and the team noted you were an outlier with the multiple requests coming in. My concern is your conflict of commitment- the Dept. currently has a number of areas that need your attention and will need the development of a Departmental strategic plan, compensation plan, active recruitment strategy and more.

I am requesting you work to develop all hours spent via these outside interests in a single spreadsheet with the report including the total amount of compensation from each firm which provides supportive data on the effort for each. Gary is the expert in this space and will provide you with recommendations moving forward.

---

**From:** Mancuso, Anthony A. <mancua@radiology.ufl.edu>  
**Sent:** Saturday, October 23, 2021 10:13 AM  
**To:** Koch, Colleen G. <kochc@ufl.edu>  
**Subject:** Level 1 pending

Dear Colleen

There are three Level 1 matters pending for about 4 weeks. Two are renewals one has been approved twice previously and they may require video testimony (two or 3 hours) this year or will settle. The other is defending a doc at ORMC

Would appreciate your help with those and newly submitted two of which are defending docs and some renewal

I am holding new matters to a rate of 1 or 1.5 per week to stay far under suggested time commitment threshold

Thanks in advance

T

Sent from my iPhone

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/26/2021 04:54:01 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020914 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** [DOI00020914](#)  
**Discloser:** Brian Hoh  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** WEEKLEY | SCHULTE | VALDES | MURMAN | TONELLI  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/26/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

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**From:** Koch, Colleen G.  
**Sent time:** 10/28/2021 08:52:01 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level 1 pending

---

Good morning Gary,

I did have a conversation with him this week that followed the outline in the email sent to you. I noted his action plan would need to be developed with you and would need to follow reasonable COI/COC guidelines as you have expertise in your work with the AAMC COI committee.

I've held on signing recent requests. I let him know, in the event someone audited his time commitment on the COI/COC forms and we did not have an ability to document true time commitment, it would be a problem. Hence, if he can provide a spread sheet from 2020 and a new one for 2021 with billable \$/ hour, along with how much he received from the firms for work, it would provide supporting documentation. I am not comfortable signing off on what folks have flagged in the past (prior COM leadership) as an outlier. Transparency in what folks do it the best policy.

Many thanks again for your help to get us on track.

Best,

CK

Colleen Koch, MD, MS, MBA  
Folke H. Peterson Dean's Distinguished Professor  
Dean, University of Florida College of Medicine  
Box 100215  
Gainesville, FL 32610-0215  
Email: [kochc@ufl.edu](mailto:kochc@ufl.edu)  
352.273.7500

---

**From:** Gary Wimsett <gwimsett@ufl.edu>  
**Date:** Tuesday, October 26, 2021 at 2:56 PM  
**To:** Colleen Koch <kochc@ufl.edu>  
**Cc:** Gary Wimsett <gwimsett@ufl.edu>  
**Subject:** RE: Level 1 pending

Hi Dean Koch,

I hope your meeting with Tony was fruitful. I very much like your draft note to him below; perhaps some of this was conveyed to him in your meeting this afternoon. The challenge with Tony remains the same – he does more expert work than anyone at the University but he continues to assert that these outside pursuits take less than 8 hours per week. UF does not have an 8 hour cap (although we are requesting one in our suggested revisions to UF's COI and Conflict of Commitment Policy) but, historically, we have used 8 hours as the standard for starting discussions about FTE reduction. Of course, I am not in a position to be able to verify whether his self-reported time commitment is accurate. I would note that most of our peers use either an express or implied 8 hour cap.

We can require him to create the kind of spreadsheet you describe in your draft note. This would absolutely help us assess whether his reported time commitment corresponds with his compensation retrospectively. It won't necessarily help us up front because he'll note that the compensation is TBD until the work is completed. I'll think about this more. I am not suggesting he is not being forthcoming and we would expect that any excessive outside commitment would be reflected in his and his department's performance and of course I cannot speak to this. He simply presents a unique challenge for us as the possibility for the perception of a conflict of commitment is quite high. I want to stay open to some creative solutions here. Would it be helpful for you to have a report of each chair's current outside activity portfolio for comparison. Perhaps your college could impose a rule specific to chairs?

Gary

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**From:** Koch, Colleen G. <kochc@ufl.edu>  
**Sent:** Sunday, October 24, 2021 4:13 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: Level 1 pending

Gary-- I would like to send the note below however wanted you to edit and provide information. There are too many

requests coming in without supporting documentation on the amount of time spent on each. Having the \$ paid from each firm will provide supporting documentation that would allow the management of conflict of commitment.

Please advise.

Thanks!

Tony,

In 2022 you will need to work with folks up the hill in compliance to manage these requests. Gary is on the AAMC Board for COI/COC. As mentioned when I arrived, Adrian and the team noted you were an outlier with the multiple requests coming in. My concern is your conflict of commitment- the Dept. currently has a number of areas that need your attention and will need the development of a Departmental strategic plan, compensation plan, active recruitment strategy and more.

I am requesting you work to develop all hours spent via these outside interests in a single spreadsheet with the report including the total amount of compensation from each firm which provides supportive data on the effort for each. Gary is the expert in this space and will provide you with recommendations moving forward.

---

**From:** Mancuso, Anthony A. <[mancua@radiology.ufl.edu](mailto:mancua@radiology.ufl.edu)>

**Sent:** Saturday, October 23, 2021 10:13 AM

**To:** Koch, Colleen G. <[kochc@ufl.edu](mailto:kochc@ufl.edu)>

**Subject:** Level 1 pending

Dear Colleen

There are three Level 1 matters pending for about 4 weeks. Two are renewals one has been approved twice previously and they may require video testimony (two or 3 hours) this year or will settle. The other is defending a doc at ORMC

Would appreciate your help with those and newly submitted two of which are defending docs and some renewal

I am holding new matters to a rate of 1 or 1.5 per week to stay far under suggested time commitment threshold

Thanks in advance

T

Sent from my iPhone

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/28/2021 10:30:03 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020846 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020846  
**Discloser:** Gregory Janelle  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Huff, Powell & Bailey, LLC  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/28/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

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Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/28/2021 10:30:38 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020236 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020236  
**Discloser:** Stephen Roberts  
**Department:** VM-PHY SCI  
**Entity:** CRT Legal  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/28/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Wimsett, Gary  
**Sent time:** 10/28/2021 01:09:35 PM  
**To:** Gary Wimsett <garywimsett@gmail.com>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Sharon Austin's expert testimony  
**Attachments:** Letter re Sharon Austin as Expert.pdf

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**From:** Wimsett, Gary  
**Sent:** Tuesday, October 19, 2021 12:58 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Sharon Austin's expert testimony

For your awareness.

This is the third letter as we now have three professors wishing to engage in the same activity. [REDACTED]

Thanks,  
Gary

---

**From:** Daniel Tilley <[dtilley@aclufl.org](mailto:dtilley@aclufl.org)>  
**Sent:** Monday, October 18, 2021 4:28 PM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>; Power, Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)>; Anders, Pam <[panders@ufl.edu](mailto:panders@ufl.edu)>  
**Subject:** letter concerning Dr. Sharon Austin's expert testimony

[External Email]

Dear Assistant Vice President Wimsett and Director Power,

I write a third time concerning another important matter of academic freedom.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**  
American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his



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October 18, 2021

Gary D. Wimsett  
Brian J. Power  
University of Florida  
Conflicts of Interest Program  
720 SW 2nd Avenue, Suite 202  
Gainesville, FL 32601

Via email: gwimsett@ufl.edu  
brian.power@ufl.edu  
panders@ufl.edu



Florida

4343 West Flagler Street  
Suite 400  
Miami, FL 33134  
(786) 363-2714 (Direct)  
dtilly@acluf.org  
acluf.org

Daniel Tilley  
Legal Director

**Re: Professor Austin’s ability to serve as an expert witness in litigation concerning SB90**

Dear Assistant Vice President Wimsett and Director Power,

I write concerning a critical matter of academic freedom. One of the University’s professors, Dr. Sharon Austin, informed me that she was recently denied the ability to serve as an expert witness in litigation challenging a voter-restriction law sometimes referred to as SB90. Specifically, the denial stated: “UF will deny its employees’ requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF’s interests.” This strikingly broad exclusion violates Dr. Austin’s First Amendment freedom to speak and makes a mockery of the principles of academic freedom that an institution like the University of Florida is supposed to stand for.<sup>1</sup>

The First Amendment prohibits the government from burdening public-employee speech so long as: (1) the employee is speaking in their capacity as a private citizen; (2) on a matter of public concern; and (3) the employee’s interest in speaking, and the public’s interest in receiving the employee’s speech, outweigh the government’s legitimate interests as an employer. *See, e.g., Lane v. Franks*, 573 U.S. 228 (2014);

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<sup>1</sup> Dr. Austin reserves all rights with respect to other grounds for overturning the denial—for example, any violation of the collective bargaining agreement or University policy on conflicts of interest.

*Garcetti v. Ceballos*, 547 U.S. 410 (2006). I will address each element in turn.

First, there is no question that Dr. Austin would be speaking in her capacity as a private citizen, not as an employee of the University.

[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee—rather than citizen—speech. The critical question under *Garcetti* is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.



*Lane*, 573 U.S. at 240. In other words, although Dr. Austin’s testimony may relate to matters that she also teaches, she would still be testifying as a citizen because testifying in court as an expert witness is not part of her employment duties. Compare *Bott v. Bradshaw*, 791 F. App’x 41, 45 (11th Cir. 2019) (“Unlike the employee in *Lane v. Franks* whose ‘ordinary job responsibilities did not include testifying in court proceedings,’ one of [Deputy Sheriff] Bott’s essential job duties entailed providing testimony regarding her investigation of and interaction with criminal defendants. And the Sheriff’s Office paid Bott for the time she expended testifying in the defendant’s bond revocation proceedings. Because Bott made her statements pursuant to her official duties, she was not speaking as a citizen for First Amendment purposes.”) (cleaned up). Dr. Austin would be speaking as a citizen, not as an employee of UF.

Second, she would obviously be speaking on a matter of public concern. Voter-restriction measures like SB90 go to the core of our democracy. The fact that the law is highly controversial does not weigh against Dr. Austin’s participation—quite the opposite, the sociopolitical controversy around such measures merely confirms that these are matters of the upmost public concern.

Third, Dr. Austin’s interest in sharing her important perspective, and the public’s interest in better understanding the operation of their own government, far outweigh any purported



contrary interest that UF might have. Even assuming a different public employer would have any significant interest in preventing employees from testifying as an expert in their personal capacity, principles of academic freedom significantly reduce the scope of the government’s legitimate prerogative to police professors’ speech on matters of public concern. Universities are places for open and vigorous debate, not muzzling professors and students because they dare to say something that the state government may not like. That a university in the United States would so openly and brazenly declare itself fully in the pocket of the government is nothing short of shocking. Your school teaches students to think for themselves, yet the school cowers in fear at the thought of its faculty upsetting government officials. I know of no principle of law or academic freedom that remotely suggests it is appropriate for universities to fall in complete ideological alignment with the state. *See Nat’l Treasury Employees Union v. United States*, 513 U.S. 454, 468 (1995) (holding that, to justify an ex ante policy restriction on employee speech, “[t]he Government must show that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by that expression’s ‘necessary impact on the actual operation’ of the Government”). The University of Florida is filled with faculty who make wonderful contributions in innumerable areas in which the State of Florida also has an interest—health, the environment, Native American tribes, voting, criminal justice, agriculture, and countless others—yet your position is that these experts cannot offer their own expertise if their views differ from the position of the State of Florida. Indeed, absurdly, your position would prevent the University of Florida from hiring any experts to defend *itself* in litigation it might be involved in against any state actors.

This stance is made all the more preposterous given the passage in this past legislative session of two bills that Governor DeSantis claimed were needed to protect the principles of freedom of expression in the State of Florida—an anti-“deplatforming” bill (SB7072)<sup>2</sup> and a bill that, in the Governor’s

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<sup>2</sup> <https://www.flgov.com/2021/05/24/governor-ron-desantis-signs-bill-to-stop-the-censorship-of-floridians-by-big-tech/>

office’s own words, “requires state colleges and universities to conduct annual assessments of the viewpoint diversity and intellectual freedom at their institutions to ensure that Florida’s postsecondary students will be shown diverse ideas and opinions, including those that they may disagree with or find uncomfortable” (HB233)<sup>3</sup>. While both of those laws suffer from their own problems, they nevertheless make plain that the obsequious deference the University is attempting to show the State is nonsensical.



But beyond being nonsensical—and an embarrassment to the values that universities are thought to stand for—your censorship of Dr. Austin is unconstitutional. Dr. Austin’s expert testimony would be given in her capacity as a private citizen and would be on a matter of great public concern. Moreover, her testimony would be crucial to the public’s understanding of one of their most valuable rights—the right to vote. I request that you promptly rescind the denial of Dr. Austin’s participation as an expert witness in the SB90 litigation.

Sincerely,

Daniel Tilley

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<sup>3</sup> <https://www.flgov.com/2021/06/22/governor-ron-desantis-signs-legislation-to-set-the-pace-for-civics-education-in-america/>

**From:** Wimsett, Gary  
**Sent time:** 10/29/2021 12:21:34 PM  
**To:** Gary Wimsett <garywimsett@gmail.com>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: letter concerning Dr. Michael McDonald's expert testimony  
**Attachments:** image001.png

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**From:** Hass,Amy Meyers <amhass@UFL.EDU>  
**Sent:** Thursday, October 14, 2021 5:21 PM  
**To:** Power,Brian J <brian.power@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Re: letter concerning Dr. Michael McDonald's expert testimony

Thanks Brian.

Sent from my iPhone

On Oct 14, 2021, at 4:07 PM, Power,Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)> wrote:

-257 ?

Hi Amy,

Sharing another letter we received from ACLU attorney. Gary asked me to share with you.

Thanks,  
Brian

**Brian J. Power, J.D.**  
Director, Conflicts of Interest  
[Conflicts of Interest Program](#)  
Accountability | Integrity | Transparency | Consistency  
Office of the Provost  
University of Florida

Phone: 352-294-6355  
Email: [Brian.Power@ufl.edu](mailto:Brian.Power@ufl.edu)

PO Box 112800, Gainesville, 32601

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**From:** Daniel Tilley <[dtilley@aclufl.org](mailto:dtilley@aclufl.org)>  
**Sent:** Thursday, October 14, 2021 4:17 PM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>; Power,Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)>; Anders,Pam <[panders@ufl.edu](mailto:panders@ufl.edu)>  
**Subject:** letter concerning Dr. Michael McDonald's expert testimony  
**Importance:** High

[External Email]

Dear Assistant Vice President Wimsett and Director Power,

I hope all remains well with you. I have attached an additional letter concerning a matter of academic freedom.

I would appreciate your prompt consideration and response.

Sincerely,

**Daniel Tilley | Legal Director**  
American Civil Liberties Union of Florida  
4343 West Flagler St., Suite 400, Miami, FL 33134  
Direct: 786.363.2714 | [dtilley@aclufl.org](mailto:dtilley@aclufl.org) | [aclufl.org](http://aclufl.org)  
Pronouns: he, him, his

<image001.png>

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<Letter re Michael McDonald as Expert.pdf>

# ACLU

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Florida

**From:** Wimsett, Gary  
**Sent time:** 10/29/2021 12:23:23 PM  
**To:** Gary Wimsett <garywimsett@gmail.com>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Need to make you aware of a disapproval that I'll likely be issuing

---

**From:** Glover, Joseph <jglover@aa.ufl.edu>  
**Sent:** Thursday, August 12, 2021 1:43 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Need to make you aware of a disapproval that I'll likely be issuing

Thanks for letting me know. I understand that Dave Nelson will be talking with you about this.

---

**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Thursday, August 12, 2021 11:54 AM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Holt, Rebecca J <bholt@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Need to make you aware of a disapproval that I'll likely be issuing  
**Importance:** High

■

[REDACTED]

Thanks,  
Gary

Gary Wimsett, Jr., JD  
Assistant Vice President  
Office of the Provost

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/29/2021 04:37:36 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019526 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019526  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Gladstein Law firm  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/29/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/29/2021 04:38:18 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019525 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019525  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Garrison, Yount, Forte & Mulcahy, L.L.C.  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/29/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/29/2021 04:38:52 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00019834 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00019834  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Wickersmith Law  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/29/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/29/2021 04:41:06 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020253 UFOLIO Ancillary Review Submitted

---

# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020253  
**Discloser:** Christopher McCurdy  
**Department:** PH-MEDICINAL CHEMISTRY  
**Entity:** ABBVIE  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/29/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 10/29/2021 04:41:20 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020803 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020803  
**Discloser:** Josef Neu  
**Department:** MD-PEDS-NEONATOLOGY  
**Entity:** Winston & Strawn, LLP  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 10/29/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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Click [here](#) to access the disclosure.

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**From:** Glover, Joseph  
**Sent time:** 10/30/2021 09:43:01 AM  
**To:** Richardson, David E <der@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** NYTimes: Florida Bars State Professors From Testifying in Voting Rights Case

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Florida Bars State Professors From Testifying in Voting Rights Case

<https://www.nytimes.com/2021/10/29/us/florida-professors-voting-rights-lawsuit.html?referringSource=articleShare>

**From:** Glover,Joseph  
**Sent time:** 10/30/2021 09:49:03 AM  
**To:** Holt,Rebecca J <bholt@ufl.edu>  
**Subject:** NYTimes: Florida Bars State Professors From Testifying in Voting Rights Case

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Florida Bars State Professors From Testifying in Voting Rights Case

<https://www.nytimes.com/2021/10/29/us/florida-professors-voting-rights-lawsuit.html?referringSource=articleShare>

**From:** Deepa Shivaram <DShivaram@npr.org>  
**Sent time:** 10/30/2021 11:12:03 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** NPR story on professors denied in voting rights case

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[External Email]

Hi Mr. Wimsett,

My name is Deepa Shivaram and I am a reporter with NPR. I am reaching out for a story I am working on about how you issued a denial for three political science professors at U of F to testify in a voting rights case against the state, as it was deemed a conflict of interest for the university.

Would you have a moment to provide comment for the story? My number is 202-309-9844 if it's easier to reach me there.

Thank you,  
Deepa Shivaram

**Deepa Shivaram**  
*NPR Newsdesk Reporter*  
202-309-9844 | @deepa\_shivaram

**From:** Bonnie GORE <mmdb216gore@icloud.com>  
**Sent time:** 10/30/2021 04:57:41 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Citizens denied expert professors' testimony??

---

[External Email]

To quote your response to the expert political science professors at UF asked to testify in the voting rights case brought by Florida Rising and other voting rights groups: UF will deny its employees requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UFs interests.

Adverse to its interests?! What is more to the interests of the university than expert truth and the democratic process? You are on the wrong path, sir. Your politics will come to haunt you if, in the service of our state university, you follow your personal ideology rather than the law and input from experts far more qualified than you to keep this country viable.

For shame.

Bonnie Gore

The Villages, FL

**From:** Glover,Joseph  
**Sent time:** 10/30/2021 09:41:00 PM  
**To:** Hass, Chris J <cjhass@aa.ufl.edu>  
**Subject:** Fwd: NYTimes: Florida Bars State Professors From Testifying in Voting Rights Case

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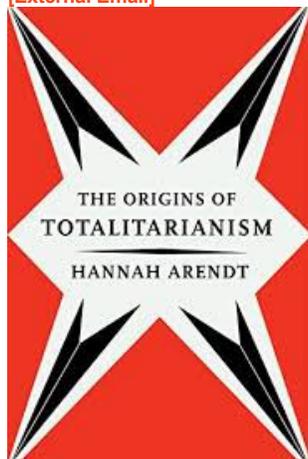
> Florida Bars State Professors From Testifying in Voting Rights Case

> <https://www.nytimes.com/2021/10/29/us/florida-professors-voting-rights-lawsuit.html?referringSource=articleShare>

**From:** James Grisham <ncfyankeefan@gmail.com>  
**Sent time:** 10/31/2021 01:07:45 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** The three political science professors should be allowed to testify.

---

[External Email]



**From:** Holt,Rebecca J  
**Sent time:** 10/31/2021 07:56:40 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Please pass this along to Provost Glover

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Sent from my iPhone

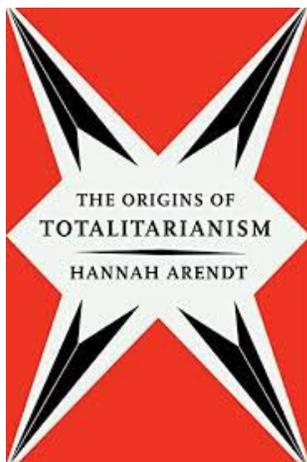
Begin forwarded message:

**From:** James Grisham <ncfyankeefan@gmail.com>  
**Date:** October 31, 2021 at 1:06:08 AM EDT  
**To:** "Holt,Rebecca J" <bholt@ufl.edu>  
**Subject:** Please pass this along to Provost Glover

-257 ?

[External Email]

The three political science professors should be allowed to testify.



**From:** Glover,Joseph  
**Sent time:** 11/01/2021 10:16:48 AM  
**To:** Steve Orlando (sfo@UFL.EDU) <sfo@UFL.EDU>  
**Cc:** Joe Glover (jglover@aa.ufl.edu) <jglover@aa.ufl.edu>  
**Subject:** Please review my response  
**Attachments:** Thorp - Chronicle final.docx

---

Dear Holden,

I appreciate you sending me your op ed (not sure I can honestly say “thanks”). Communications on this matter have not been good internally and externally, so there are a couple of points that are worth clarifying. First, the faculty members’ first amendment rights are not being violated. They can testify in court cases if they wish to do so. What the university has actually done is to deny them a secondary employment as expert witnesses; i.e. to be employed and paid to testify. They can certainly testify without paid compensation. Second, while I understand your prominent mention of my name in the op ed, I am not actually in the decision-making loop. Clearly something I will need to address since you have assumed I am responsible.

Regards,  
Joe

---

**From:** Holden Thorp <hthorp@aaas.org>  
**Sent:** Monday, November 01, 2021 8:42 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Chronicle op-ed

[External Email]

Joe,

I know this is the last thing you need, but the attached is running in the Chronicle later today. You don’t need any more free advice, but I’ll give you some anyway from someone who knows. If you and Kent don’t do something about this, you’re going to be spending a lot of time staring at the ceiling wishing you did. Hang in there.  
Holden

Holden Thorp  
Editor-in-Chief, Science Family of Journals  
1200 New York Ave NW  
Washington, DC 20005  
Cell: 202-288-6896  
[hthorp@aaas.org](mailto:hthorp@aaas.org)

The assault on academic freedom and autonomy by right-wing political forces has been escalating in recent months. At the University of North Carolina, the governing boards and a major donor interfered in the tenure case of Nikole Hannah-Jones; the donor later doubled down publicly on the appropriateness of his actions. Vaccine and mask mandates were suppressed at colleges in red states around the country. Presidential searches at places that include the [University of South Carolina](#) and [Fayetteville State University](#) were hijacked to insert political allies of governing boards. Recent events at the University of Florida have raised these problems to a new level. The time for strategizing and threading needles is over. This is an all-out assault, and faculty members are now being enlisted in the effort to dismantle our representative democracy.

Three professors of political science at the University of Florida [were blocked from serving as expert witnesses](#) in a case to combat a restrictive anti-voting law in the state. The move is not just an unacceptable assault on academic freedom, it is an attempt to redefine professors as mandated proponents of the political views of their state governments. It is unacceptable for the president and provost of the University of Florida to permit this incursion on the autonomy of the university and its faculty members. W. Kent Fuchs and Joseph Glover need to put their jobs on the line immediately. Furthermore, the reasoning they've put forward to defend this indefensible decision – which requires a foray into administrative policy to understand – is deeply flawed.

One of the professors, Michael McDonald, [tweeted a screenshot of an email](#) -- worthy of the @ass\_deans Twitter feed -- that he got from an administrator who is responsible for upholding the conflicts of interest policy at the University of Florida:

Gary Wimsett reviewed the above referenced disclosure and **disapproved** this request.

**Comments:** Reasons:

Impermissible Conflict of Interest

UF will deny its employees' requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF's interests.

Gary Wimsett  
Assistant Vice President, Conflicts of Interest

This is a very tight knot of administrative gibberish. I was and still am subject to these policies as a faculty member and administered them as a chancellor and provost. Normally, when there is a conflict of interest, the conflict would be mediated by disclosure and monitoring. So, even if there were a conflict in this case (and I don't believe there is), the procedures to address it would not involve an abrupt denial of the professors' ability to serve as expert witnesses. Rather, simply disclosing the conflict would generally be sufficient and, in rare instances, a committee would be set up to monitor the conflict. In this case, neither action is warranted.

But whether the right procedure was followed is irrelevant. Here is the University of Florida's statement on conflicts of interest:

**Conflict of Interest:** occurs when a University Employee's financial, professional, commercial or personal interests or activities outside of the University affects, or appears to affect, their professional *judgement or obligations* to the University. (italics mine)

So, either the university thinks that testifying in this case will alter the professors' judgement or obligations to the university. It is hard to see how they could claim it would alter their judgment, and it says nothing about that in the notice of denial. The university therefore seems to be saying that serving as expert witnesses interferes with the *obligations* that the professors have to the university. Is it the obligation of faculty members to support all of the political goals of the university and the state of Florida? Are they obligated, for instance, to support the Governor's anti-science stance on masks, vaccines, and the safety of cruise ships? Maybe that's how Fuchs and Glover see it. After all, they were just strong-armed into appointing to the medical faculty a surgeon general who is spreading misinformation all over the state. When Fuchs was challenged about his failure to stand up on vaccine mandates, [he said](#), "I literally don't have that power."

Here's another literal truth: Politicians and political donors are *literally* running the University of Florida, not academic administrators who understand the sacred principles of academic freedom and free inquiry.

In a public relations scramble over the weekend, the university put out a [statement](#) that tried to suggest they still support academic freedom, arguing that the three professors were free to *say* anything, but were not permitted to receive compensation for it. That is a meaningless distinction. McDonald [tweeted](#) that there was nothing in the initial denial that said anything about compensation (indeed, there isn't), so they are therefore not permitted to testify pro-bono, either. President Fuchs and Provost Joe Glover know this is a dishonest attempt at administrative sleight of hand. Maybe they confused their colleague Dr. McDonald with the other Michael McDonald who sings "What a Fool Believes."

The implications of this scandal are profound. All professors require academic freedom to seek the truth and share it with the world. Without it, our ability to publish and curate research findings goes out the window. The enemies of academic freedom have already come for our ability to describe and combat infectious diseases. They're coming for our ability to teach an honest version of the history of the United States. Now they want to enlist us in their effort to destroy the opportunity to vote, and hence, democracy itself.

President Fuchs is missing his cue to stand up for what he believes in. I know something about this having missed my cue once in Chapel Hill. Come on, Kent. The time is now.

*Holden Thorp is Editor-in-Chief of the Science family of journals and Rita Levi-Montalcini Distinguished University Professor at Washington University in St. Louis. He was the chancellor of the University of North Carolina and provost at Washington University in St. Louis.*

**From:** Glover,Joseph  
**Sent time:** 11/01/2021 10:20:10 AM  
**To:** Paton,Nancy <nancypaton@ufl.edu>  
**Subject:** Fwd: Please review my response  
**Attachments:** Thorp - Chronicle final.docx

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Begin forwarded message:

**From:** "Glover,Joseph" <jglover@aa.ufl.edu>  
**Date:** November 1, 2021 at 10:16:50 AM EDT  
**To:** "Steve Orlando (sfo@UFL.EDU)" <sfo@ufl.edu>  
**Cc:** "Joe Glover (jglover@aa.ufl.edu)" <jglover@aa.ufl.edu>  
**Subject:** Please review my response

-257 ?

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**Sent:** Monday, November 01, 2021 8:42 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Chronicle op-ed

[External Email]

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1200 New York Ave NW  
Washington, DC 20005  
Cell: 202-288-6896  
[hthorp@aaas.org](mailto:hthorp@aaas.org)

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So, either the university thinks that testifying in this case will alter the professors' judgement or obligations to the university. It is hard to see how they could claim it would alter their judgment, and it says nothing about that in the notice of denial. The university therefore seems to be saying that serving as expert witnesses interferes with the *obligations* that the professors have to the university. Is it the obligation of faculty members to support all of the political goals of the university and the state of Florida? Are they obligated, for instance, to support the Governor's anti-science stance on masks, vaccines, and the safety of cruise ships? Maybe that's how Fuchs and Glover see it. After all, they were just strong-armed into appointing to the medical faculty a surgeon general who is spreading misinformation all over the state. When Fuchs was challenged about his failure to stand up on vaccine mandates, [he said](#), "I literally don't have that power."

Here's another literal truth: Politicians and political donors are *literally* running the University of Florida, not academic administrators who understand the sacred principles of academic freedom and free inquiry.

In a public relations scramble over the weekend, the university put out a [statement](#) that tried to suggest they still support academic freedom, arguing that the three professors were free to *say* anything, but were not permitted to receive compensation for it. That is a meaningless distinction. McDonald [tweeted](#) that there was nothing in the initial denial that said anything about compensation (indeed, there isn't), so they are therefore not permitted to testify pro-bono, either. President Fuchs and Provost Joe Glover know this is a dishonest attempt at administrative sleight of hand. Maybe they confused their colleague Dr. McDonald with the other Michael McDonald who sings "What a Fool Believes."

The implications of this scandal are profound. All professors require academic freedom to seek the truth and share it with the world. Without it, our ability to publish and curate research findings goes out the window. The enemies of academic freedom have already come for our ability to describe and combat infectious diseases. They're coming for our ability to teach an honest version of the history of the United States. Now they want to enlist us in their effort to destroy the opportunity to vote, and hence, democracy itself.

President Fuchs is missing his cue to stand up for what he believes in. I know something about this having missed my cue once in Chapel Hill. Come on, Kent. The time is now.

*Holden Thorp is Editor-in-Chief of the Science family of journals and Rita Levi-Montalcini Distinguished University Professor at Washington University in St. Louis. He was the chancellor of the University of North Carolina and provost at Washington University in St. Louis.*

**From:** Keith E. Whittington <kewhitt@princeton.edu>  
**Sent time:** 11/01/2021 10:55:02 AM  
**To:** Phillips, Winfred M <wphil@ufl.edu>  
**Cc:** . UF Board of Trustees <ufbot@mail.ufl.edu>; Glover, Joseph <jglover@aa.ufl.edu>; Hass, Amy Meyers <amhass@UFL.EDU>; Richardson, David E <der@ufl.edu>; Bloom, David C <dbloom@UFL.EDU>  
**Subject:** Academic Freedom Alliance letter regarding expert witness controversy  
**Attachments:** AFA letter to UF on expert testimony prohibition.pdf

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[External Email]

President Fuchs,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

The AFA is concerned by a major violation of well-established principles of freedom of speech at the University of Florida. Three professors in the Department of Political Science at the University of Florida requested from the dean of the College of Liberal Arts and Sciences permission to serve as expert witnesses for the plaintiffs in a lawsuit against the state on a question of the constitutionality of the recently enacted electoral law. This request was denied, reportedly on the grounds that such outside activities “[may pose a conflict of interest](#) to the executive branch of the state of Florida” and thus may “create a conflict for the University of Florida.” The University has responded to this report by stating that it has “a [long track record](#) of supporting free speech and our faculty’s academic freedom” but denying that its actions in these circumstances violated these principles. It instead asserted that “full-time employees” could not undertake “outside paid work that is adverse to the university’s interests as a state of Florida institution.”

I write on behalf of the Academic Freedom Alliance to express our firm view that this decision is a serious violation of the academic freedom principles to which the University of Florida is committed. The university is mistaken in thinking that this decision is consistent with the principles of free speech and academic freedom and has construed the potential conflicts of interest in this case in a manner that is incompatible with maintaining academic freedom in the future. It has long been a central feature of academic freedom in the United States that when university professors “[speak or write as citizens](#), they should be free from institutional censorship or discipline.” Whatever interest a state university might have in preventing members of its faculty from acting as political partisans when operating within their duties as state employees, that interest cannot be understood to extend to restricting the speech activities in which professors might engage when operating outside their university duties and acting as private citizens.

The university’s own policies guarantee the academic freedom of the faculty. The university has recognized that academic freedom is “[essential to the integrity of the University](#)” and “integral to the conception of the University as a community of scholars engaged in the pursuit of truth and the communication of knowledge in an atmosphere of tolerance and freedom.” Moreover, the university has declared that the academic freedom of the faculty shall be exercised consistent with the “academic responsibility of the faculty” to perform their duties for the university and support the responsible exercise of academic freedom by others.

The university has contended that this action is consistent with academic freedom to the extent that such testimony would represent a conflict of interest. The university’s general statement on academic freedom suggests no such conflict. That statement instead emphasizes that the exercise of academic freedom should be consistent with a faculty member continuing to “[perform appropriate duties](#)” at the university. There is no credible claim that work as expert witnesses at issue here would prevent these faculty members from fully and competently performing their own normal duties as members of the faculty. There is no suggestion that their work would interfere with their ability to engage in “teaching, research, scholarship/creative activities, and service” for the university.

The university’s policy on outside activity and conflict of interest in [Article 26](#) of the Collective Bargaining Agreement recognizes that outside activities “may support professional growth and reputation, create and disseminate new knowledge and ideas, and further the University’s mission of excellence in education, research, and service.” The agreement specifies that faculty must act in the “best interests” of the university and not engage in activities that “conflict with their University duties and responsibilities.” It commits the university to not using this provision in a way that would “deny or retaliate against the legitimate exercise of rights protected by this Agreement,” specifically including the rights of academic freedom. “Conflict of Interest” is defined narrowly in the agreement to refer to private interests that adversely influence the faculty member or create unlawful conflicts.

The suggestion by the university that impermissible conflicts of interest should be read so broadly as to bar expert witness testimony that is adverse to the state government’s interests is deeply inimical to academic freedom principles and the specific language of the university’s own policies. Long-held principles of academic freedom clearly hold that professors are free to criticize both university and government policies, and even call into question the legitimacy of the government itself. Construing a faculty member’s obligation to work in the best interests of the university to prohibit criticism of the state government’s policies undercuts the very purpose of academic freedom protections in state universities, which is to ensure that scholars have an independent voice to serve the broader public and are not placed under the supervision of incumbent executive officers of the state government or constrained to advance the political and policy interests of incumbent government officials.

Members of the faculty must have the freedom to pursue the truth as best they understand it and to communicate their understandings to others, including in this case the judiciary and parties to a lawsuit. They should be able to articulate those views in the classroom, in their scholarship, and in their public writings and speeches. There is nothing distinguishable about providing testimony about those scholarly judgments in a courtroom, whether on a paid or unpaid basis. Individual members of the faculty have no obligation to agree with the wisdom or constitutionality of university or state government policies. As the university recognizes, they have only the obligation to “do so in ways that [do not] unreasonably obstruct the functions of the University.” Testifying in open court can in no way be understood to unreasonably obstruct the functions of the university.

The fact that a professor’s speech might anger government officials or help dismantle existing government policies can in no way alter the calculation of whether such speech is contrary to the interests of a properly functioning university. If a university were to hold that professors at a state university must refrain from saying things that might undercut the political and policy commitments of incumbent government officials, then that university would have abandoned any credible commitment to academic freedom.

The university’s interpretation of its conflict of interest policies in this case are also at odds with the university’s obligations to comply with the First Amendment. It is well established that state universities like the University of Florida are constrained by the First Amendment of the U.S. Constitution. Professors at state universities enjoy certain First Amendment protections relative to their university employer, and state universities cannot discipline or sanction members of their faculty for constitutionally protected speech. In particular, the U.S. Supreme Court observed in *Connick v. Myers*, 461 U.S. 138, 140 (1983) that “a public employee does not relinquish rights to comment on matters of public interest by virtue of government employment.” The Court has sharply limited when government employers can interfere with such speech, insisting that “so long as employees are speaking as citizens about matters of public concern, they must face only those speech restrictions that are necessary for their employers to operate efficiently and effectively.” *Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006). The mere fact that the government disagrees with the content of the speech is no constitutionally valid reason for restricting the private speech of a government employee. As the Court noted in *Rankin v. McPherson*, 483 U.S. 378, 384 (1987), “vigilance is necessary to ensure that public employers do not use authority over employees to silence discourse, not because it hampers public functions but simply because superiors disagree with the content of employees’ speech.” Precisely because the speech at issue here involves an outside activity by these members of the faculty, the university’s constitutional authority to restrict that speech is quite limited.

Federal circuit courts have specifically emphasized that professors may not be barred by their state universities from testifying as expert witnesses in cases that they government disfavored. As one court simply concluded when confronted with such a restriction,

Whatever else we might say about that “justification”, the State’s amorphous interest in protecting its interests is not the sort which may outweigh the free speech rights of state employees under *Pickering* [*v. Board of Education*, 391 U.S. 563 (1968)]. The notion that the State may silence the testimony of state employees simply because that testimony is contrary to the interests of the State in litigation or otherwise, is antithetical to the protection extended by the First Amendment. The scope of state interests which may outweigh the free speech rights of state employees is much narrower than that. Indeed, the only state interest acknowledged by *Pickering* and its progeny, which may outweigh the right of state employees to speak on matters of public concern, is the State’s interest, “as an employer, in promoting the efficiency of the public services it performs through its employees.” *Hoover v. Morales*, 164 F.3d 221, 226 (5<sup>th</sup> Cir. 1998).

The same circuit swept away a similar claim of “conflict of interest” that would bar instructors employed by the government from providing expert testimony in a suit against the state, observing “the defendants’ asserted notion of ‘conflicts of interest’ sweeps so broadly as to undermine its status as a legitimate government interest that can properly weigh in the *Pickering* balance.” *Kinney v. Weaver*, 367 F.3d 337, 365 (5<sup>th</sup> Cir. 2004). Especially in the context of a scholar employed by a state university, the government employer’s interest in preventing a scholar from providing expert testimony that might be damaging to the political and policy interests of incumbent government officials cannot properly be understood as a legitimate government interest for purposes of *Pickering-Connick-Garcetti* balancing.

Academic freedom is grounded in the belief that there is a public interest in scholars at universities being able to develop expertise in a subject and to communicate their scholarly judgments to others, including members of the broader public. It cannot be consistent with the First Amendment for a state institution to declare that the public interest requires that it suppress criticisms of the government and its policies. The university’s asserted conflict of interest here is simply inconsistent with any proper understanding of the rights of academic freedom and freedom of speech of these faculty members.

The Academic Freedom Alliance calls on the University of Florida to respect the rights of the members of its faculty and reverse this decision and allow these three members of its faculty to serve as expert witnesses in this suit.

Sincerely,

Keith E. Whittington  
Chair, Academic Freedom Alliance

FL-UF-21-1634-A-000160

William Nelson Cromwell Professor of Politics  
Fisher Hall  
Princeton University  
Princeton, NJ 08544  
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October 31, 2021

President Kent Fuchs  
University of Florida  
Gainesville, FL 32611

President Fuchs,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

The AFA is concerned by a major violation of well-established principles of freedom of speech at the University of Florida. Three professors in the Department of Political Science at the University of Florida requested from the dean of the College of Liberal Arts and Sciences permission to serve as expert witnesses for the plaintiffs in a lawsuit against the state on a question of the constitutionality of the recently enacted electoral law. This request was denied, reportedly on the grounds that such outside activities “[may pose a conflict of interest](#) to the executive branch of the state of Florida” and thus may “create a conflict for the University of Florida.” The University has responded to this report by stating that it has “a [long track record](#) of supporting free speech and our faculty’s academic freedom” but denying that its actions in these circumstances violated these principles. It instead asserted that “full-time employees” could not undertake “outside paid work that is adverse to the university’s interests as a state of Florida institution.”

I write on behalf of the Academic Freedom Alliance to express our firm view that this decision is a serious violation of the academic freedom principles to which the University of Florida is committed. The university is mistaken in thinking that this decision is consistent with the principles of free speech and academic freedom and has construed the potential conflicts of interest in this case in a manner that is incompatible with maintaining academic freedom in the future. It has long been a central feature of academic freedom in the United States that when university professors “[speak or write as citizens](#), they should be free from institutional censorship or discipline.” Whatever interest a state university might have in preventing members of its faculty from acting as political partisans when operating within their duties as state employees, that interest cannot be understood to extend to restricting the speech activities in which professors might engage when operating outside their university duties and acting as private citizens.

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The Academic Freedom Alliance calls on the University of Florida to respect the rights of the members of its faculty and reverse this decision and allow these three members of its faculty to serve as expert witnesses in this suit.

Sincerely,

A handwritten signature in black ink, appearing to read "KW", with a long, sweeping horizontal line extending to the right.

Keith Whittington  
Chair, Academic Committee, Academic Freedom Alliance  
William Nelson Cromwell Professor of Politics, Princeton University

cc. Morteza Hosseini, Chair, Board of Trustees  
David Richardson, Dean of the College of Liberal Arts and Sciences  
Amy Meyers Hass, Vice President and General Counsel  
David Bloom, Chair, Faculty Senate

**From:** Glover,Joseph  
**Sent time:** 11/01/2021 11:30:30 AM  
**To:** hthorp@aaas.org  
**Cc:** Joe Glover (jglover@aa.ufl.edu) <jglover@aa.ufl.edu>  
**BCc:** Steve Orlando (sfo@UFL.EDU) <sfo@UFL.EDU>; Paton,Nancy <nancypaton@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>; Hass, Chris J <cjhass@aa.ufl.edu>  
**Subject:** Chronicle op-ed  
**Attachments:** Thorp - Chronicle final.docx

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Dear Holden,

I appreciate you sending me your op ed (not sure I can honestly say “thanks”). Communications on this matter have not been good internally and externally, but there is a point worth clarifying. The faculty members’ first amendment rights are not being violated. They can testify in court cases if they wish to do so. What the university has done is to deny them a secondary employment as expert witnesses; i.e. to be employed and paid to testify. They can testify without paid compensation.

Regards,  
Joe

---

**From:** Holden Thorp <[hthorp@aaas.org](mailto:hthorp@aaas.org)>  
**Sent:** Monday, November 01, 2021 8:42 AM  
**To:** Glover,Joseph <[jglover@aa.ufl.edu](mailto:jglover@aa.ufl.edu)>  
**Subject:** Chronicle op-ed

[External Email]

Joe,

I know this is the last thing you need, but the attached is running in the Chronicle later today. You don’t need any more free advice, but I’ll give you some anyway from someone who knows. If you and Kent don’t do something about this, you’re going to be spending a lot of time staring at the ceiling wishing you did. Hang in there.  
Holden

Holden Thorp  
Editor-in-Chief, Science Family of Journals  
1200 New York Ave NW  
Washington, DC 20005  
Cell: 202-288-6896  
[hthorp@aaas.org](mailto:hthorp@aaas.org)

The assault on academic freedom and autonomy by right-wing political forces has been escalating in recent months. At the University of North Carolina, the governing boards and a major donor interfered in the tenure case of Nikole Hannah-Jones; the donor later doubled down publicly on the appropriateness of his actions. Vaccine and mask mandates were suppressed at colleges in red states around the country. Presidential searches at places that include the [University of South Carolina](#) and [Fayetteville State University](#) were hijacked to insert political allies of governing boards. Recent events at the University of Florida have raised these problems to a new level. The time for strategizing and threading needles is over. This is an all-out assault, and faculty members are now being enlisted in the effort to dismantle our representative democracy.

Three professors of political science at the University of Florida [were blocked from serving as expert witnesses](#) in a case to combat a restrictive anti-voting law in the state. The move is not just an unacceptable assault on academic freedom, it is an attempt to redefine professors as mandated proponents of the political views of their state governments. It is unacceptable for the president and provost of the University of Florida to permit this incursion on the autonomy of the university and its faculty members. W. Kent Fuchs and Joseph Glover need to put their jobs on the line immediately. Furthermore, the reasoning they've put forward to defend this indefensible decision – which requires a foray into administrative policy to understand – is deeply flawed.

One of the professors, Michael McDonald, [tweeted a screenshot of an email](#) -- worthy of the @ass\_deans Twitter feed -- that he got from an administrator who is responsible for upholding the conflicts of interest policy at the University of Florida:

Gary Wimsett reviewed the above referenced disclosure and **disapproved** this request.

**Comments:** Reasons:

Impermissible Conflict of Interest

UF will deny its employees' requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF's interests.

Gary Wimsett  
Assistant Vice President, Conflicts of Interest

This is a very tight knot of administrative gibberish. I was and still am subject to these policies as a faculty member and administered them as a chancellor and provost. Normally, when there is a conflict of interest, the conflict would be mediated by disclosure and monitoring. So, even if there were a conflict in this case (and I don't believe there is), the procedures to address it would not involve an abrupt denial of the professors' ability to serve as expert witnesses. Rather, simply disclosing the conflict would generally be sufficient and, in rare instances, a committee would be set up to monitor the conflict. In this case, neither action is warranted.

But whether the right procedure was followed is irrelevant. Here is the University of Florida's statement on conflicts of interest:

**Conflict of Interest:** occurs when a University Employee's financial, professional, commercial or personal interests or activities outside of the University affects, or appears to affect, their professional *judgement or obligations* to the University. (italics mine)

So, either the university thinks that testifying in this case will alter the professors' judgement or obligations to the university. It is hard to see how they could claim it would alter their judgment, and it says nothing about that in the notice of denial. The university therefore seems to be saying that serving as expert witnesses interferes with the *obligations* that the professors have to the university. Is it the obligation of faculty members to support all of the political goals of the university and the state of Florida? Are they obligated, for instance, to support the Governor's anti-science stance on masks, vaccines, and the safety of cruise ships? Maybe that's how Fuchs and Glover see it. After all, they were just strong-armed into appointing to the medical faculty a surgeon general who is spreading misinformation all over the state. When Fuchs was challenged about his failure to stand up on vaccine mandates, [he said](#), "I literally don't have that power."

Here's another literal truth: Politicians and political donors are *literally* running the University of Florida, not academic administrators who understand the sacred principles of academic freedom and free inquiry.

In a public relations scramble over the weekend, the university put out a [statement](#) that tried to suggest they still support academic freedom, arguing that the three professors were free to *say* anything, but were not permitted to receive compensation for it. That is a meaningless distinction. McDonald [tweeted](#) that there was nothing in the initial denial that said anything about compensation (indeed, there isn't), so they are therefore not permitted to testify pro-bono, either. President Fuchs and Provost Joe Glover know this is a dishonest attempt at administrative sleight of hand. Maybe they confused their colleague Dr. McDonald with the other Michael McDonald who sings "What a Fool Believes."

The implications of this scandal are profound. All professors require academic freedom to seek the truth and share it with the world. Without it, our ability to publish and curate research findings goes out the window. The enemies of academic freedom have already come for our ability to describe and combat infectious diseases. They're coming for our ability to teach an honest version of the history of the United States. Now they want to enlist us in their effort to destroy the opportunity to vote, and hence, democracy itself.

President Fuchs is missing his cue to stand up for what he believes in. I know something about this having missed my cue once in Chapel Hill. Come on, Kent. The time is now.

*Holden Thorp is Editor-in-Chief of the Science family of journals and Rita Levi-Montalcini Distinguished University Professor at Washington University in St. Louis. He was the chancellor of the University of North Carolina and provost at Washington University in St. Louis.*

**From:** Holden Thorp <hthorp@aaas.org>  
**Sent time:** 11/01/2021 11:42:46 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Re: Chronicle op-ed

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[External Email]

Understood about the 'thanks.' I still disagree with the decision to turn down the secondary employment, but if these folks are free to testify, you might want to get that out there fast. Good luck!  
Holden

Holden Thorp  
Editor-in-Chief, Science Family of Journals  
1200 New York Ave NW  
Washington, DC 20005  
Cell: 202-288-6896  
[hthorp@aaas.org](mailto:hthorp@aaas.org)

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**From:** Glover,Joseph <jglover@aa.ufl.edu>  
**Date:** Monday, November 1, 2021 at 11:32 AM  
**To:** Holden Thorp <hthorp@aaas.org>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Chronicle op-ed

[EXTERNAL EMAIL]

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**From:** Glover,Joseph  
**Sent time:** 11/01/2021 12:14:14 PM  
**To:** Kent Fuchs (kent.fuchs@ufl.edu) <kent.fuchs@ufl.edu>  
**Subject:** FW: Academic Freedom Alliance letter regarding expert witness controversy  
**Attachments:** AFA letter to UF on expert testimony prohibition.pdf

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**From:** Keith E. Whittington <kewhitt@princeton.edu>  
**Sent:** Monday, November 01, 2021 10:55 AM  
**To:** Phillips, Winfred M <wphil@ufl.edu>  
**Cc:** . UF Board of Trustees <ufbot@mail.ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>; Hass,Amy Meyers <amhass@UFL.EDU>; Richardson,David E <der@ufl.edu>; Bloom,David C <dbloom@UFL.EDU>  
**Subject:** Academic Freedom Alliance letter regarding expert witness controversy

**[External Email]**

President Fuchs,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

The AFA is concerned by a major violation of well-established principles of freedom of speech at the University of Florida. Three professors in the Department of Political Science at the University of Florida requested from the dean of the College of Liberal Arts and Sciences permission to serve as expert witnesses for the plaintiffs in a lawsuit against the state on a question of the constitutionality of the recently enacted electoral law. This request was denied, reportedly on the grounds that such outside activities “[may pose a conflict of interest](#) to the executive branch of the state of Florida” and thus may “create a conflict for the University of Florida.” The University has responded to this report by stating that it has “a [long track record](#) of supporting free speech and our faculty’s academic freedom” but denying that its actions in these circumstances violated these principles. It instead asserted that “full-time employees” could not undertake “outside paid work that is adverse to the university’s interests as a state of Florida institution.”

I write on behalf of the Academic Freedom Alliance to express our firm view that this decision is a serious violation of the academic freedom principles to which the University of Florida is committed. The university is mistaken in thinking that this decision is consistent with the principles of free speech and academic freedom and has construed the potential conflicts of interest in this case in a manner that is incompatible with maintaining academic freedom in the future. It has long been a central feature of academic freedom in the United States that when university professors “[speak or write as citizens](#), they should be free from institutional censorship or discipline.” Whatever interest a state university might have in preventing members of its faculty from acting as political partisans when operating within their duties as state employees, that interest cannot be understood to extend to restricting the speech activities in which professors might engage when operating outside their university duties and acting as private citizens.

The university’s own policies guarantee the academic freedom of the faculty. The university has recognized that academic freedom is “[essential to the integrity of the University](#)” and “integral to the conception of the University as a community of scholars engaged in the pursuit of truth and the communication of knowledge in an atmosphere of tolerance and freedom.” Moreover, the university has declared that the academic freedom of the faculty shall be exercised consistent with the “academic responsibility of the faculty” to perform their duties for the university and support the responsible exercise of academic freedom by others.

The university has contended that this action is consistent with academic freedom to the extent that such testimony would represent a conflict of interest. The university’s general statement on academic freedom suggests no such conflict. That statement instead emphasizes that the exercise of academic freedom should be consistent with a faculty member continuing to “[perform appropriate duties](#)” at the university. There is no credible claim that work as expert witnesses at issue here would prevent these faculty members from fully and competently performing their own normal duties as members of the faculty. There is no suggestion that their work would interfere with their ability to engage in “teaching, research, scholarship/creative activities, and service” for the university.

The university’s policy on outside activity and conflict of interest in [Article 26](#) of the Collective Bargaining Agreement recognizes that outside activities “may support professional growth and reputation, create and disseminate new knowledge and ideas, and further the University’s mission of excellence in education, research, and service.” The agreement specifies that faculty must act in the “best interests” of the university and not engage in activities that “conflict with their University duties and responsibilities.” It commits the university to not using this provision in a way that would “deny or retaliate against the legitimate exercise of rights protected by this Agreement,” specifically including the rights of academic freedom. “Conflict of Interest” is defined narrowly in the agreement to refer to private interests that adversely influence the faculty member or create unlawful conflicts.

The suggestion by the university that impermissible conflicts of interest should be read so broadly as to bar expert witness testimony that is adverse to the state government’s interests is deeply inimical to academic freedom principles and the

specific language of the university's own policies. Long-held principles of academic freedom clearly hold that professors are free to criticize both university and government policies, and even call into question the legitimacy of the government itself. Construing a faculty member's obligation to work in the best interests of the university to prohibit criticism of the state government's policies undercuts the very purpose of academic freedom protections in state universities, which is to ensure that scholars have an independent voice to serve the broader public and are not placed under the supervision of the incumbent executive officers of the state government or constrained to advance the political and policy interests of incumbent government officials.

Members of the faculty must have the freedom to pursue the truth as best they understand it and to communicate their understandings to others, including in this case the judiciary and parties to a lawsuit. They should be able to articulate those views in the classroom, in their scholarship, and in their public writings and speeches. There is nothing distinguishable about providing testimony about those scholarly judgments in a courtroom, whether on a paid or unpaid basis. Individual members of the faculty have no obligation to agree with the wisdom or constitutionality of university or state government policies. As the university recognizes, they have only the obligation to "do so in ways that [do not] unreasonably obstruct the functions of the University." Testifying in open court can in no way be understood to unreasonably obstruct the functions of the university.

The fact that a professor's speech might anger government officials or help dismantle existing government policies can in no way alter the calculation of whether such speech is contrary to the interests of a properly functioning university. If a university were to hold that professors at a state university must refrain from saying things that might undercut the political and policy commitments of incumbent government officials, then that university would have abandoned any credible commitment to academic freedom.

The university's interpretation of its conflict of interest policies in this case are also at odds with the university's obligations to comply with the First Amendment. It is well established that state universities like the University of Florida are constrained by the First Amendment of the U.S. Constitution. Professors at state universities enjoy certain First Amendment protections relative to their university employer, and state universities cannot discipline or sanction members of their faculty for constitutionally protected speech. In particular, the U.S. Supreme Court observed in *Connick v. Myers*, 461 U.S. 138, 140 (1983) that "a public employee does not relinquish rights to comment on matters of public interest by virtue of government employment." The Court has sharply limited when government employers can interfere with such speech, insisting that "so long as employees are speaking as citizens about matters of public concern, they must face only those speech restrictions that are necessary for their employers to operate efficiently and effectively." *Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006). The mere fact that the government disagrees with the content of the speech is no constitutionally valid reason for restricting the private speech of a government employee. As the Court noted in *Rankin v. McPherson*, 483 U.S. 378, 384 (1987), "vigilance is necessary to ensure that public employers do not use authority over employees to silence discourse, not because it hampers public functions but simply because superiors disagree with the content of employees' speech." Precisely because the speech at issue here involves an outside activity by these members of the faculty, the university's constitutional authority to restrict that speech is quite limited.

Federal circuit courts have specifically emphasized that professors may not be barred by their state universities from testifying as expert witnesses in cases that they government disfavored. As one court simply concluded when confronted with such a restriction,

Whatever else we might say about that "justification", the State's amorphous interest in protecting its interests is not the sort which may outweigh the free speech rights of state employees under *Pickering [v. Board of Education]*, 391 U.S. 563 (1968)]. The notion that the State may silence the testimony of state employees simply because that testimony is contrary to the interests of the State in litigation or otherwise, is antithetical to the protection extended by the First Amendment. The scope of state interests which may outweigh the free speech rights of state employees is much narrower than that. Indeed, the only state interest acknowledged by *Pickering* and its progeny, which may outweigh the right of state employees to speak on matters of public concern, is the State's interest, "as an employer, in promoting the efficiency of the public services it performs through its employees." *Hoover v. Morales*, 164 F.3d 221, 226 (5<sup>th</sup> Cir. 1998).

The same circuit swept away a similar claim of "conflict of interest" that would bar instructors employed by the government from providing expert testimony in a suit against the state, observing "the defendants' asserted notion of 'conflicts of interest' sweeps so broadly as to undermine its status as a legitimate government interest that can properly weigh in the *Pickering* balance." *Kinney v. Weaver*, 367 F.3d 337, 365 (5<sup>th</sup> Cir. 2004). Especially in the context of a scholar employed by a state university, the government employer's interest in preventing a scholar from providing expert testimony that might be damaging to the political and policy interests of incumbent government officials cannot properly be understood as a legitimate government interest for purposes of *Pickering-Connick-Garcetti* balancing.

Academic freedom is grounded in the belief that there is a public interest in scholars at universities being able to develop expertise in a subject and to communicate their scholarly judgments to others, including members of the broader public. It cannot be consistent with the First Amendment for a state institution to declare that the public interest requires that it suppress criticisms of the government and its policies. The university's asserted conflict of interest here is simply inconsistent with any proper understanding of the rights of academic freedom and freedom of speech of these faculty members.

The Academic Freedom Alliance calls on the University of Florida to respect the rights of the members of its faculty and reverse this decision and allow these three members of its faculty to serve as expert witnesses in this suit.

Sincerely,

Keith E. Whittington  
Chair, Academic Freedom Alliance  
William Nelson Cromwell Professor of Politics  
Fisher Hall  
Princeton University  
Princeton, NJ 08544  
<https://scholar.princeton.edu/kewhitt>  
[@kewhittington](#)



October 31, 2021

President Kent Fuchs  
University of Florida  
Gainesville, FL 32611

President Fuchs,

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The AFA is concerned by a major violation of well-established principles of freedom of speech at the University of Florida. Three professors in the Department of Political Science at the University of Florida requested from the dean of the College of Liberal Arts and Sciences permission to serve as expert witnesses for the plaintiffs in a lawsuit against the state on a question of the constitutionality of the recently enacted electoral law. This request was denied, reportedly on the grounds that such outside activities “[may pose a conflict of interest](#) to the executive branch of the state of Florida” and thus may “create a conflict for the University of Florida.” The University has responded to this report by stating that it has “a [long track record](#) of supporting free speech and our faculty’s academic freedom” but denying that its actions in these circumstances violated these principles. It instead asserted that “full-time employees” could not undertake “outside paid work that is adverse to the university’s interests as a state of Florida institution.”

I write on behalf of the Academic Freedom Alliance to express our firm view that this decision is a serious violation of the academic freedom principles to which the University of Florida is committed. The university is mistaken in thinking that this decision is consistent with the principles of free speech and academic freedom and has construed the potential conflicts of interest in this case in a manner that is incompatible with maintaining academic freedom in the future. It has long been a central feature of academic freedom in the United States that when university professors “[speak or write as citizens](#), they should be free from institutional censorship or discipline.” Whatever interest a state university might have in preventing members of its faculty from acting as political partisans when operating within their duties as state employees, that interest cannot be understood to extend to restricting the speech activities in which professors might engage when operating outside their university duties and acting as private citizens.

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The suggestion by the university that impermissible conflicts of interest should be read so broadly as to bar expert witness testimony that is adverse to the state government’s interests is deeply inimical to academic freedom principles and the specific language of the university’s own policies. Long-held principles of academic freedom clearly hold that professors are free to criticize both university and government policies, and even call into question the legitimacy of the government itself. Construing a faculty member’s obligation to work in the best interests of the university to prohibit criticism of the state government’s policies undercuts the very purpose of academic freedom protections in state universities, which is to ensure that scholars have an independent voice to serve the broader public and are not placed under the supervision of the incumbent executive officers of the state government or constrained to advance the political and policy interests of incumbent government officials.



Members of the faculty must have the freedom to pursue the truth as best they understand it and to communicate their understandings to others, including in this case the judiciary and parties to a lawsuit. They should be able to articulate those views in the classroom, in their scholarship, and in their public writings and speeches. There is nothing distinguishable about providing testimony about those scholarly judgments in a courtroom, whether on a paid or unpaid basis. Individual members of the faculty have no obligation to agree with the wisdom or constitutionality of university or state government policies. As the university recognizes, they have only the obligation to “do so in ways that [do not] unreasonably obstruct the functions of the University.” Testifying in open court can in no way be understood to unreasonably obstruct the functions of the university.

The fact that a professor’s speech might anger government officials or help dismantle existing government policies can in no way alter the calculation of whether such speech is contrary to the interests of a properly functioning university. If a university were to hold that professors at a state university must refrain from saying things that might undercut the political and policy commitments of incumbent government officials, then that university would have abandoned any credible commitment to academic freedom.

The university’s interpretation of its conflict of interest policies in this case are also at odds with the university’s obligations to comply with the First Amendment. It is well established that state universities like the University of Florida are constrained by the First Amendment of the U.S. Constitution. Professors at state universities enjoy certain First Amendment protections relative to their university employer, and state universities cannot discipline or sanction members of their faculty for constitutionally protected speech. In particular, the U.S. Supreme Court observed in *Connick v. Myers*, 461 U.S. 138, 140 (1983) that “a public employee does not relinquish rights to comment on matters of public interest by virtue of government employment.” The Court has sharply limited when government employers can interfere with such speech, insisting that “so long as employees are speaking as citizens about matters of public concern, they must face only those speech restrictions that are necessary for their employers to operate efficiently and effectively.” *Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006). The mere fact that the government disagrees with the content of the speech is no constitutionally valid reason for restricting the private speech of a government employee. As the Court noted in *Rankin v. McPherson*, 483 U.S. 378, 384 (1987), “vigilance is necessary to ensure that public employers do not use authority over employees to silence discourse, not because it hampers public functions but simply because superiors disagree with the content of employees’ speech.” Precisely because the speech at issue here involves an outside activity by these members of the faculty, the university’s constitutional authority to restrict that speech is quite limited.



Federal circuit courts have specifically emphasized that professors may not be barred by their state universities from testifying as expert witnesses in cases that they government disfavored. As one court simply concluded when confronted with such a restriction,

Whatever else we might say about that “justification”, the State's amorphous interest in protecting its interests is not the sort which may outweigh the free speech rights of state employees under *Pickering* [*v. Board of Education*, 391 U.S. 563 (1968)]. The notion that the State may silence the testimony of state employees simply because that testimony is contrary to the interests of the State in litigation or otherwise, is antithetical to the protection extended by the First Amendment. The scope of state interests which may outweigh the free speech rights of state employees is much narrower than that. Indeed, the only state interest acknowledged by *Pickering* and its progeny, which may outweigh the right of state employees to speak on matters of public concern, is the State's interest, “as an employer, in promoting the efficiency of the public services it performs through its employees.” *Hoover v. Morales*, 164 F.3d 221, 226 (5<sup>th</sup> Cir. 1998).

The same circuit swept away a similar claim of “conflict of interest” that would bar instructors employed by the government from providing expert testimony in a suit against the state, observing “the defendants' asserted notion of ‘conflicts of interest’ sweeps so broadly as to undermine its status as a legitimate government interest that can properly weigh in the *Pickering* balance.” *Kinney v. Weaver*, 367 F.3d 337, 365 (5<sup>th</sup> Cir. 2004). Especially in the context of a scholar employed by a state university, the government employer’s interest in preventing a scholar from providing expert testimony that might be damaging to the political and policy interests of incumbent government officials cannot properly be understood as a legitimate government interest for purposes of *Pickering-Connick-Garcetti* balancing.

Academic freedom is grounded in the belief that there is a public interest in scholars at universities being able to develop expertise in a subject and to communicate their scholarly judgments to others, including members of the broader public. It cannot be consistent with the First Amendment for a state institution to declare that the public interest requires that it suppress criticisms of the government and its policies. The university’s asserted conflict of interest here is simply inconsistent with any proper understanding of the rights of academic freedom and freedom of speech of these faculty members.



The Academic Freedom Alliance calls on the University of Florida to respect the rights of the members of its faculty and reverse this decision and allow these three members of its faculty to serve as expert witnesses in this suit.

Sincerely,

A handwritten signature in black ink, appearing to be 'KW', with a long, sweeping horizontal line extending to the right.

Keith Whittington  
Chair, Academic Committee, Academic Freedom Alliance  
William Nelson Cromwell Professor of Politics, Princeton University

cc. Morteza Hosseini, Chair, Board of Trustees  
David Richardson, Dean of the College of Liberal Arts and Sciences  
Amy Meyers Hass, Vice President and General Counsel  
David Bloom, Chair, Faculty Senate

**From:** Glover,Joseph  
**Sent time:** 11/01/2021 12:15:46 PM  
**To:** Steve Orlando (sfo@UFL.EDU) <sfo@UFL.EDU>; Paton,Nancy <nancypaton@ufl.edu>  
**Subject:** FW: Chronicle op-ed

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**From:** Holden Thorp <hthorp@aaas.org>  
**Sent:** Monday, November 01, 2021 11:43 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Re: Chronicle op-ed

**[External Email]**

Understood about the 'thanks.' I still disagree with the decision to turn down the secondary employment, but if these folks are free to testify, you might want to get that out there fast. Good luck!  
Holden

Holden Thorp  
Editor-in-Chief, Science Family of Journals  
1200 New York Ave NW  
Washington, DC 20005  
Cell: 202-288-6896  
[hthorp@aaas.org](mailto:hthorp@aaas.org)

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**From:** Glover,Joseph <[jglover@aa.ufl.edu](mailto:jglover@aa.ufl.edu)>  
**Date:** Monday, November 1, 2021 at 11:32 AM  
**To:** Holden Thorp <[hthorp@aaas.org](mailto:hthorp@aaas.org)>  
**Cc:** Glover,Joseph <[jglover@aa.ufl.edu](mailto:jglover@aa.ufl.edu)>  
**Subject:** Chronicle op-ed

**[EXTERNAL EMAIL]**

Dear Holden,

I appreciate you sending me your op ed (not sure I can honestly say "thanks"). Communications on this matter have not been good internally and externally, but there is a point worth clarifying. The faculty members' first amendment rights are not being violated. They can testify in court cases if they wish to do so. What the university has done is to deny them a secondary employment as expert witnesses; i.e. to be employed and paid to testify. They can testify without paid compensation.

Regards,  
Joe

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**From:** Holden Thorp <[hthorp@aaas.org](mailto:hthorp@aaas.org)>  
**Sent:** Monday, November 01, 2021 8:42 AM  
**To:** Glover,Joseph <[jglover@aa.ufl.edu](mailto:jglover@aa.ufl.edu)>  
**Subject:** Chronicle op-ed

**[External Email]**

I know this is the last thing you need, but the attached is running in the Chronicle later today. You don't need any more free advice, but I'll give you some anyway from someone who knows. If you and Kent don't do something about this, you're going to be spending a lot of time staring at the ceiling wishing you did. Hang in there.  
Holden

Holden Thorp  
Editor-in-Chief, Science Family of Journals  
1200 New York Ave NW  
Washington, DC 20005  
Cell: 202-288-6896  
[hthorp@aaas.org](mailto:hthorp@aaas.org)

**From:** John Hines <jkhines@ufl.edu>  
**Sent time:** 11/01/2021 12:23:01 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Richardson,David E <der@ufl.edu>  
**Cc:** Quillen,Amy <abquillen@ufl.edu>; Wood,Barbara L <blwood@ufl.edu>; Hines,John <jkhines@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** Public Records Request: W009883-110121:: W009883-110121

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[External Email]

Dean Richardson/Gary-

Please see below for the public records request from The Gainesville Sun and determine if you have responsive records. As a reminder, only existing public records should be provided. The Florida Public Record laws do not require the university to create new records in response to a request.

She wrote:

" Good morning. This is Danielle Ivanov from The Gainesville Sun requesting copies of all past permissions and denials for legal consulting/expert testimony to political science professors Daniel Smith, Michael McDonald and Sharon Austin."

**\*\*BEFORE YOUR DEPARTMENT OR THE DEPARTMENT WITH THE RESPONSIVE RECORDS COPIES OR SENDS ANY RECORDS TO THE OFFICE OF THE GENERAL COUNSEL FOR ATTORNEY REVIEW, PLEASE PROVIDE BARBARA WOOD IN THE GENERAL COUNSEL'S OFFICE AT BLWOOD@UFL.EDU WITH A PAGE COUNT. PLEASE MAKE SURE TO INCLUDE THE TRACKING NUMBER IN THE SUBJECT LINE OF THE EMAIL. DO NOT SEND THE RECORDS UNTIL YOU ARE REQUESTED TO AFTER PROVIDING THE PAGE COUNT! WHEN RECORDS ARE REQUESTED BY THE GENERAL COUNSEL'S OFFICE, THE PREFERRED FORMAT IS PDF FOR USE WITH THE REDACTION SOFTWARE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US.\*\***

We will then determine if it is necessary to prepare an invoice and collect the funds in advance from the requester before any work is done by the department collecting the records.

Once you are asked to provide the records, please provide the records in electronic form unless asked otherwise. If you have any concerns or questions, please let me know.

Sincerely,  
John Hines  
(352) 392-1358  
jkhines@ufl.edu

Reference No: W009883-110121

Request Status: Forwarded Request for Processing

Service Request Type: Public Records Request

Priority: Medium

Assigned To: John Hines

Customer Email: DIvanov@gannett.com

Name: Danielle Ivanov

Customer Phone: 3526651832

Create Date: 11/1/2021 9:39:41 AM

Update Date: 11/1/2021 9:45:06 AM

Last Reviewed: 11/1/2021 9:45:06 AM

Source: Web

: Public Records Center

: University of Florida

Type of Record(s) Requested: Media

Describe the Record(s) Requested: Good morning. This is Danielle Ivanov from The Gainesville Sun requesting copies of all past permissions and denials for legal consulting/expert testimony to political science professors Daniel Smith, Michael McDonald and Sharon Austin.

Preferred Method to Receive Records: Electronic via Records Center

Clarification:

Exemptions:

Amount of Payment:

FL-UF-21-1634-A-000180

Date Payment Received:

**From:** Simon Barke  
**Sent time:** 11/01/2021 12:44:39 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Presidential task force to document the history of UF in relationship to race and ethnicity

---

Dear Dr Fuchs,

I was just re-reading your email from June 18, 2020, the one where you announced a presidential task force to document the history of UF in relationship to race and ethnicity, particularly African Americans and Native Americans. A year has passed, and you just blocked three professors of political science from serving as expert witnesses in a lawsuit fighting discrimination against voters of color.

While I am wondering if these actions will be documented by the presidential task force, here is my main question: what exactly is the impermissible conflict of interest?

- Are voting laws that don't discriminate against voters of color adverse to the university's interests? This would make me question your June 18 email.
- Or is any opinion that does not agree with the current administration adverse to the university's interests? This would make your university a tool of the government, which goes against all principles of academic freedom.

In either case: you are saying that being an expert witness in defense of a restrictive voting rights law would - at least currently - be in the university's best interest and hence permissible. Even if such a law potentially discriminated against voters of color in the State of Florida.

And that is the one question I honestly want to get answered, and the reason why I Cc'ed [@Wimsett, Gary](#): Would I - given I had any competence in the field - be allowed to serve as expert witness testifying for the other side?

Thank you  
Simon Barke

--

Dr Simon F Barke

Laser Interferometer Space Antenna (LISA)  
Dark Cosmos Laboratories  
Department of Physics  
College of Liberal Arts and Sciences  
University of Florida

+1 352 507 9970

**From:** Wimsett, Gary  
**Sent time:** 11/01/2021 12:46:40 PM  
**To:** . COI staff <coi-se-staff-all@ad.ufl.edu>  
**Subject:** Fwd: Presidential task force to document the history of UF in relationship to race and ethnicity

---

FYI

Gary Wimsett, Jr.

Begin forwarded message:

**From:** Simon Barke <barke@ufl.edu>  
**Date:** November 1, 2021 at 12:44:41 PM EDT  
**To:** "President, University of Florida (Kent Fuchs)" <president@ufl.edu>  
**Cc:** "Wimsett, Gary" <gwimsett@ufl.edu>  
**Subject:** Presidential task force to document the history of UF in relationship to race and ethnicity

-257 ?

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Thank you  
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Dr Simon F Barke

Laser Interferometer Space Antenna (LISA)  
Dark Cosmos Laboratories  
Department of Physics  
College of Liberal Arts and Sciences  
University of Florida

+1 352 507 9970

**From:** [REDACTED]  
**Sent time:** 11/01/2021 02:46:18 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>; Richardson, David E <der@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** president@uff-uf.org; Faculty Senate Chair <FacultySenateChair@aa.ufl.edu>; AUSTIN, SHARON D <polssdw@ufl.edu>; McDonald, Michael <michael.mcdonald@ufl.edu>; Smith, Daniel A <dasmith@ufl.edu>  
**Subject:** UF parent in support of UF faculty academic freedom

---

[External Email]

Dear President Fuchs, Provost Glover, Dean Richardson, and Vice President Wimsett,

As a public institution, the University of Florida's interests are the interests of the public, the community, and not identical to the interests of whichever political party happens to control the executive branch of the state government of Florida.

As the parent of a current UF undergraduate, I am appalled by the University's denial of Profs. Austin, McDonald, and Smith's requests to provide expert testimony in the Florida voting rights case. It is not "adverse to the University's interests" to allow its faculty members to testify as witnesses in a case that goes to the heart of our democratic process. Your decision is also inconsistent with UF practice, as your own previous approvals of expert testimony by Prof. Smith clearly show.

The storm of national and international outrage that this shameful decision has sparked is fully warranted. Your decision makes the University look like the sidekick of an authoritarian regime, not like an independent institution in the public sphere that fosters the free exchange of ideas.

A piece in the *Washington Post* today suggests there may soon be Congressional hearings in Washington, DC that will further expose the University to national derision. The University's accreditors, SACS—not a body known for moving swiftly on academic or governance matters—has sent you a letter expressing its concern about the denial, and requesting further information as it investigates whether UF is non-compliant with its responsibilities as an accredited university. All the legal opinions I have read suggest that a lawsuit on First Amendment grounds by these faculty members is very likely to succeed. The University of Florida is currently making headlines in all the wrong ways.

For the good of the University, I implore you to push back against the pressure from your governing board and the governor's office — or resign to restore your professional integrity. The longer this debacle continues, the worse the University is going to appear.

The failure to implement any significant COVID-19 mitigation measures this year. The shameful fast-tracking of Joseph Ladapo's tenured faculty appointment. And now this. The University of Florida in 2021 looks more and more like a department of the governor's office. This threatens to undo much of the hard work of the thousands of students, faculty members, staff, and yes, university leadership over the last decade. Where will you draw the line?

I would appreciate the courtesy of a response to this message that goes beyond the talking points of the statements issued by University spokespeople — which have been rightly lambasted in the public sphere as inadequate. In fact, they could not be otherwise, as the University's denial of these esteemed professors' right to provide expert testimony is indefensible.

Sincerely,  
[REDACTED]

**From:** Wimsett, Gary  
**Sent time:** 11/01/2021 02:52:12 PM  
**To:** . COI staff <coi-se-staff-all@ad.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: UF parent in support of UF faculty academic freedom

---

**From:** [REDACTED]  
**Sent:** Monday, November 1, 2021 2:46 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>; Richardson, David E <der@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Faculty Senate Chair <FacultySenateChair@aa.ufl.edu>; president@uff-uf.org; AUSTIN, SHARON D <polssdw@ufl.edu>; McDonald, Michael <michael.mcdonald@ufl.edu>; Smith, Daniel A <dasmith@ufl.edu>  
**Subject:** UF parent in support of UF faculty academic freedom

[External Email]

Dear President Fuchs, Provost Glover, Dean Richardson, and Vice President Wimsett,

As a public institution, the University of Florida's interests are the interests of the public, the community, and not identical to the interests of whichever political party happens to control the executive branch of the state government of Florida.

As the parent of a current UF undergraduate, I am appalled by the University's denial of Profs. Austin, McDonald, and Smith's requests to provide expert testimony in the Florida voting rights case. It is not "adverse to the University's interests" to allow its faculty members to testify as witnesses in a case that goes to the heart of our democratic process. Your decision is also inconsistent with UF practice, as your own previous approvals of expert testimony by Prof. Smith clearly show.

The storm of national and international outrage that this shameful decision has sparked is fully warranted. Your decision makes the University look like the sidekick of an authoritarian regime, not like an independent institution in the public sphere that fosters the free exchange of ideas.

A piece in the *Washington Post* today suggests there may soon be Congressional hearings in Washington, DC that will further expose the University to national derision. The University's accreditors, SACSCOC—not a body known for moving swiftly on academic or governance matters—has sent you a letter expressing its concern about the denial, and requesting further information as it investigates whether UF is non-compliant with its responsibilities as an accredited university. All the legal opinions I have read suggest that a lawsuit on First Amendment grounds by these faculty members is very likely to succeed. The University of Florida is currently making headlines in all the wrong ways.

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Sincerely,  
[REDACTED]

**From:** Anders,Pam  
**Sent time:** 11/01/2021 03:21:04 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; . COI staff <coi-se-staff-all@ad.ufl.edu>  
**Subject:** RE: UF parent in support of UF faculty academic freedom

---

Wow. Ouch.

*Pam*

---

**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Monday, November 1, 2021 2:52 PM  
**To:** . COI staff <coi-se-staff-all@ad.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: UF parent in support of UF faculty academic freedom

---

**From:** [REDACTED]  
**Sent:** Monday, November 1, 2021 2:46 PM  
**To:** President, University of Florida (Kent Fuchs) <[president@UFL.EDU](mailto:president@UFL.EDU)>; Glover,Joseph <[jglover@aa.ufl.edu](mailto:jglover@aa.ufl.edu)>; Richardson,David E <[der@ufl.edu](mailto:der@ufl.edu)>; Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>  
**Cc:** Faculty Senate Chair <[FacultySenateChair@aa.ufl.edu](mailto:FacultySenateChair@aa.ufl.edu)>; [president@uff-uf.org](mailto:president@uff-uf.org); AUSTIN,SHARON D <[polssdw@ufl.edu](mailto:polssdw@ufl.edu)>; McDonald,Michael <[michael.mcdonald@ufl.edu](mailto:michael.mcdonald@ufl.edu)>; Smith,Daniel A <[dasmith@ufl.edu](mailto:dasmith@ufl.edu)>  
**Subject:** UF parent in support of UF faculty academic freedom

[External Email]

Dear President Fuchs, Provost Glover, Dean Richardson, and Vice President Wimsett,

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Sincerely,

AMERICAN  
OVERSIGHT

FL-UF-21-1634-A-000186

**From:** Orth,Melissa A  
**Sent time:** 11/01/2021 04:20:16 PM  
**To:** Kaplan,Mark E <mark.kaplan@ufl.edu>; Hass,Amy Meyers <amhass@UFL.EDU>; Paton,Nancy <nancypaton@ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>; Phillips, Winfred M <wphil@ufl.edu>; Kent Fuchs <kent.fuchs@ufl.edu>; Mori Hosseini <mhosseini@icihomes.com>  
**Cc:** . UF Board of Trustees <ufbot@mail.ufl.edu>  
**Subject:** FW: Florida's flagship university faces political firestorm

**From:** POLITICO Florida Pro <alert@email.politicopro.com>  
**Sent:** Monday, November 1, 2021 4:18 PM  
**To:** Orth,Melissa A <maorth@UFL.EDU>  
**Subject:** Florida's flagship university faces political firestorm

[External Email]

**POLITICO**PRO

# Florida's flagship university faces political firestorm

BY MATT DIXON, ANDREW ATTERBURY | 11/01/2021 04:16 PM EDT



The perception that the university is being used as a political tool for Gov. Ron DeSantis is raising concern from some state higher education leaders. | Joe Raedle/Getty Images

TALLAHASSEE, Fla. — Gov. Ron DeSantis and the University of Florida are facing major backlash after several highly controversial political moves at the flagship university — actions that critics contend repress academic freedoms and raise fears that the state's top higher learning institution is being used a political tool.

Educators and others lambasted the University of Florida and DeSantis over the weekend after it was revealed that the university blocked three professors from providing expert testimony in a lawsuit challenging a controversial Republican-backed voting bill.

This follows the University of Florida's fast-tracking of DeSantis' pick for surgeon general, Joseph Ladapo, through the application process. Ladapo is known for rejecting Covid-19 masks and vaccines. FL-19-21-1634-A-000187

related lockdowns and has questioned the effectiveness of coronavirus vaccines.

Critics inside and outside the University of Florida say they're worried that politicizing the state's flagship higher learning institution could harm its fast-rising national academic reputation and even its finances. Already, the University of Florida's accreditor, the Southern Association of Colleges and Schools Commission on Colleges, is probing the school over blocking the professors from testifying as experts. If the university is found to be out of compliance with the commission's standards, it could affect accreditation — which is needed to receive federal student financial aid.

“Long-held principles of academic freedom clearly hold that professors are free to criticize both university and government policies, and even call into question the legitimacy of the government itself,” [wrote Keith Whittington](#), the William Nelson Cromwell Professor of Politics at Princeton University and a member of the Academic Freedom Alliance.

“Construing a faculty member's obligation to work in the best interests of the university to prohibit criticism of the state government's policies undercuts the very purpose of academic freedom protections in state universities,” he stated.

The fight over whether professors can testify in contentious legal cases comes amid the larger backdrop of free speech on college campuses. It's an issue Florida Republicans have elevated recently over worries that universities have become bastions of liberalism that churn out left-of-center graduates. After years of failed attempts, the GOP-led Florida Legislature in 2021 passed a bill that requires public colleges and universities to survey students, professors and staff about their political beliefs in a move supporters said would promote “intellectual diversity” and opponents said would weed out dissenting voices.

It also comes as the GOP governor continues to fight with K-12 school districts that defy his no-mask mandate rules. In that fight, the state has levied financial penalties against school officials who continue to press to require masks in K-12 schools. Similarly, a University of Florida spokesperson [told the Gainesville Sun](#) on Sunday that the three university professors could testify as long as they aren't paid and use their own time.

It's all added to a situation that frustrated many in the academic community, regardless of political leanings.

“The profound civic importance of fair trials requires the ability of fact and expert witnesses to come forward to testify truthfully without fear that their government employer might retaliate against them,” said the center-right Foundation for Individual Rights in Education in a statement issued over the weekend. “Public university faculty are no exception. We call on UF to reverse course immediately.”

The Foundation for Individual Rights in Education, known for ranking the best and worst campuses for free speech across the U.S., warned the University of Florida not to “pick a fight” with the First Amendment, pointing to a 2018 incident at Plymouth State University in New Hampshire that led to the school doling out a hefty settlement. In that case, the university refused to rehire an adjunct professor who testified as an expert witness in a sexual assault case and eventually paid the educator \$350,000 to avoid a lawsuit.

In its only public comment on the professors, the university released a statement on Saturday saying that they blocked their professors from speaking as part of a legal fight over recently-passed voting law restrictions. The school did not address the fact that professors had previously testified as experts in voting cases.

“It is important to note that the university did not deny the First Amendment rights or academic freedom of professors Dan Smith, Michael McDonald and Sharon Austin,” read the statement issued by the university amid a firestorm over its decision. “Rather, the university denied requests of these full-time employees to undertake outside paid work that is adverse to the university's interests as a state of Florida institution.”

DeSantis press secretary Christina Pushaw said the governor's office played no role in the university's decision, which was [first reported by The New York Times](#).

“The governor's office did not create UF's policy on conflicts of interest, nor did the governor tell the university — directly or indirectly — how to enforce their own policy,” she said.

Pushaw pointed to McDonald, one of the professors, who posted a message on Twitter saying he “won’t back down” as evidence the professors are not having their free speech rights hindered.

“Professor McDonald tweeted ‘I won’t back down’ and asserted his opinion that faculty are being denied their right to free speech. Professor McDonald and all faculty members are entitled to their own opinions,” Pushaw said. “The Constitution guarantees the right to free speech, but not the right to receive compensation for speech.”

Yet, even the perception that the university is being used as a political tool for DeSantis is raising concern from some state higher education leaders. In the Ladapo case, the University of Florida was found to have fast-tracked his application process [by USA Today](#), which uncovered emails between school officials. Those emails showed the university’s deans vetted Ladapo, adjusted his salary and placed him in the college’s internal medicine department and even tinkered with his schedule.

“The two things that happened are the hiring of the new surgeon general... the speed to which that was done was quite something,” said a person familiar with the state’s higher education system, who spoke on a condition of anonymity to avoid retribution. “And then blocking the testimony. Not only will you not prevent them from testifying, you have now martyred them.”

DeSantis’ administration has six direct appointments on the university’s 13-member board. Those six appointments have collectively given him or the Republican Party of Florida he controls nearly \$900,000 in political contributions, on top of separate political fundraisers hosted by many.

The biggest chunk — more than \$230,000 — came from a company run by housing developer Mori Hosseini, a longtime Republican rainmaker [who played an early role](#) in helping raise money for DeSantis, who reappointed him to the board in February.

Hosseini played a key role in fast-tracking Lapado’s appointment and forwarding his resume to top university officials in early September, which kicked off a process for Lapado’s appointment. By Sept. 17, Ladapo had an offer to be the state surgeon general under a deal that would pay him \$437,000 annually — a number split between the university where he would serve as an associate professor and the Florida Department of Health.

The help by Hosseini, who did not return a request seeking comment, was a powerful signal that Lapado was the anointed pick. Ladapo has since taken on a much more political role than his predecessor, Scott Rivkees, including picking fights with the media, doing interviews on shows like Tucker Carlson, and refusing to wear a mask in a meeting with state Sen. Tina Polsky (D-Boca Raton) — a move that got a rebuff from Senate President Wilton Simpson (R-Trilby), who called the decision “unprofessional and will not be tolerated in the Senate.”

Some believe Hosseini is trying to walk the fine line of maintaining the university’s reputation while not burning any bridges with a governor or Legislature that helped it climb the national rankings.

“More and the board worked so hard to get a top 5 ranking,” said the person familiar with the higher education system who spoke with POLITICO. “I think Mori would tell you they could not have done that without the support of the governor and Legislature. But where that relationship starts to cause a problem, I don’t know.”

[View this article online.](#)

You received this POLITICO Pro content because your customized settings include: *Colleges and Universities (and) Florida, Academic Freedom (and) Florida, Admissions (and) Florida, U.S. State Legislatures (and) Florida*. You can customize all of your alert criteria on your [settings page](#).

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This email was sent to [maorth@ufl.edu](mailto:maorth@ufl.edu) by:

POLITICO, LLC

1000 Wilson Blvd.

Arlington, VA 22209

USA

**From:** Steve Orlando

**Sent time:** 11/01/2021 05:43:37 PM

**To:** Kent Fuchs <kent.fuchs@ufl.edu>; Glover, Joseph <jglover@aa.ufl.edu>; Hass, Amy Meyers <amhass@UFL.EDU>; Paton, Nancy <nancypaton@ufl.edu>

**Subject:** Forbes

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<https://www.forbes.com/sites/michaelnietzel/2021/10/31/university-of-florida-bans-faculty-from-testifying-the-academy-should-be-concerned/?sh=1c3d6090bc46&fbclid=IwAR1TRKCD4aMHPfVpjZpoT4nY-GqeDQjn6uxcjT7nDnGLqJn-HKJC3o9V60c>

Sent from my iPhone

**From:** Glover, Joseph  
**Sent time:** 11/01/2021 05:44:53 PM  
**To:** Steve Orlando <sfo@UFL.EDU>  
**Subject:** Re: Forbes

---

Slow news day?

> On Nov 1, 2021, at 5:43 PM, Steve Orlando <sfo@ufl.edu> wrote:

>

> <https://www.forbes.com/sites/michaelnietzel/2021/10/31/university-of-florida-bans-faculty-from-testifying-the-academy-should-be-concerned/?sh=1c3d6090bc46&fbclid=IwAR1TRKCD4aMHPfVpjZpoT4nY-GqeDQjn6uxcjT7nDnGLqJn-HKJC3o9V60c>

>

>

> Sent from my iPhone

**From:** Steve Orlando  
**Sent time:** 11/01/2021 07:26:15 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** FW: Message from President Fuchs and Provost Glover

---

Here's what Kent approved and we're preparing to send out:

Dear campus community,

There have been news reports over the weekend indicating the University of Florida violated the First Amendment rights of three faculty members by denying their requests to testify in exchange for payment in a lawsuit over the state of Floridas new election laws.

First, we would like to be abundantly clear that that University of Florida stands firmly behind its commitment to uphold our most sacred right as Americans -- the right to free speech -- and to faculty members right to academic freedom. Nothing is more fundamental to our existence as an institution of higher learning than these two bedrock principles. Vigorous intellectual discussions are at the heart of the marketplace of ideas we celebrate and hold so dear.

Second, we are immediately appointing a task force to review the universitys conflict of interest policy and examine it for consistency and fidelity. While the existing policy was revised just last year, it is critical to ensure the policy advances the universitys interests while protecting academic freedom.

Finally, as has already been reported by some news organizations, if the professors wish to testify pro bono on their own time without using university resources, they are free to do so.

Kent Fuchs, President

Joe Glover, Provost

Steve Orlando

Assistant Vice President for Communications Strategic Communications & Marketing Adjunct Lecturer, College of Journalism & Communications University of Florida

101 Tigert Hall | Office: 352.846.3903

Direct: 352.273.3819 | Cell:352.215.4232

If you are a member of the media on deadline after business hours, please call 352-273-3833 for assistance from UF Communications.

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>  
**Sent time:** 11/01/2021 08:22:56 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** Message for UF community from President Fuchs and Provost Glover

---

To view this email as a web page, go [here](#).

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Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>  
**Sent time:** 11/01/2021 08:22:55 PM  
**To:** Hass, Chris J <cjhass@aa.ufl.edu>  
**Subject:** Message for UF community from President Fuchs and Provost Glover

---

To view this email as a web page, go [here](#).

Dear campus community,

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Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>  
**Sent time:** 11/01/2021 08:22:54 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Message for UF community from President Fuchs and Provost Glover

---

To view this email as a web page, go [here](#).

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Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** Schueller, Malini Johar  
**Sent time:** 11/01/2021 10:27:29 PM  
**To:** UF President Kent Fuchs <President-Fuchs@ufl.edu>; Kent Fuchs <kent.fuchs@ufl.edu>; Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Dobrin, Sid <sdobrin@ufl.edu>  
**Subject:** Thanks for your note

---

Dear President Fuchs and Provost Glover:

Thank you for your recent note to the faculty. I'm really heartened to hear your commitment to faculty members' academic freedom and your celebration of vigorous intellectual discussion. I'm relieved to know that the faculty in Political Science can testify. However, I do have a question about faculty testifying as expert witnesses in general. So, does this pro bono decision mean that faculty in engineering and medicine, who are routinely called to be expert witnesses will have to work pro bono even when they don't use university resources or time? I'm a bit confused.

THanks ahead for clarifying.  
Warm Regards,  
Malini

Malini Johar Schueller  
Professor  
University of Florida Research Foundation Professor, 2017-2020  
Department of English  
University of Florida  
P.O. Box 117310  
4008 Turlington Hall  
Gainesville, FL 32611-7310  
*Campaigns of Knowledge: US Pedagogies of Colonialism and Occupation in the Philippines and Japan (Nov 2019)*  
[tupress.temple.edu/book/20000000009893](http://tupress.temple.edu/book/20000000009893)  
In His Own Home (2016) Documentary Film  
[www.indiepixfilms.com/film/6148#.Xf5KJLiGPrK](http://www.indiepixfilms.com/film/6148#.Xf5KJLiGPrK)

**From:** Austin III, Roger  
**Sent time:** 11/02/2021 08:57:25 AM  
**To:** University of Florida <reply-fec01d747c61007d-272\_HTML-210168276-518003455-21004@info.gator360.ufl.edu>; President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** Re: Message for UF community from President Fuchs and Provost Glover

---

Dear President Fuchs and Provost Glover,

My name is Roger Austin and I am a local small business owner, attorney and have been a UF Adjunct Professor in the Department of Political Science since 2001.

As a long-time resident of Gainesville, a serial graduate of UF, and as someone who has one foot firmly planted in both town and gown, I would like to volunteer to be on the Task Force. I think I would bring a voice of reason from the community but also a unique perspective to this mission as a long time Adjunct Professor.

For what it's worth, much of my work and interest both personally and professionally has dealt with the issue of free speech and how this is balanced with other interests. All three of my law school research papers dealt with First Amendment issues and my UF dissertation was on the intersection of free speech and campaign finance.

Please feel free to call or email me if you have any comments or questions.

Sincerely,

Roger Austin  
904.571.5257

---

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>  
**Sent:** Monday, November 1, 2021 8:22 PM  
**To:** Austin III, Roger <raustin@ufl.edu>  
**Subject:** Message for UF community from President Fuchs and Provost Glover

To view this email as a web page, go [here](#).

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Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 09:42:35 AM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Steve Orlando <sfo@UFL.EDU>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Presidential task force to document the history of UF in relationship to race and ethnicity

---

For awareness. I do not respond to these inquiries.

---

**From:** Simon Barke <barke@ufl.edu>  
**Sent:** Monday, November 1, 2021 12:45 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Presidential task force to document the history of UF in relationship to race and ethnicity

Dear Dr Fuchs,

I was just re-reading your email from June 18, 2020, the one where you announced a presidential task force to document the history of UF in relationship to race and ethnicity, particularly African Americans and Native Americans. A year has passed, and you just blocked three professors of political science from serving as expert witnesses in a lawsuit fighting discrimination against voters of color.

While I am wondering if these actions will be documented by the presidential task force, here is my main question: what exactly is the impermissible conflict of interest?

- Are voting laws that don't discriminate against voters of color adverse to the university's interests? This would make me question your June 18 email.
- Or is any opinion that does not agree with the current administration adverse to the university's interests? This would make your university a tool of the government, which goes against all principles of academic freedom.

In either case: you are saying that being an expert witness in defense of a restrictive voting rights law would - at least currently - be in the university's best interest and hence permissible. Even if such a law potentially discriminated against voters of color in the State of Florida.

And that is the one question I honestly want to get answered, and the reason why I Cc'ed [@Wimsett, Gary](#): Would I - given I had any competence in the field - be allowed to serve as expert witness testifying for the other side?

Thank you  
Simon Barke

--

Dr Simon F Barke

Laser Interferometer Space Antenna (LISA)  
Dark Cosmos Laboratories  
Department of Physics  
College of Liberal Arts and Sciences  
University of Florida

+1 352 507 9970

**From:** Glover,Joseph  
**Sent time:** 11/02/2021 10:58:40 AM  
**To:** Winfred Phillips (wphil@ufl.edu) <wphil@ufl.edu>  
**Subject:** FW: Presidential task force to document the history of UF in relationship to race and ethnicity

---

Just fyi

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, November 02, 2021 9:43 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Steve Orlando <sfo@UFL.EDU>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Presidential task force to document the history of UF in relationship to race and ethnicity

For awareness. I do not respond to these inquiries.

---

**From:** Simon Barke <barke@ufl.edu>  
**Sent:** Monday, November 1, 2021 12:45 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Presidential task force to document the history of UF in relationship to race and ethnicity

Dear Dr Fuchs,

I was just re-reading your email from June 18, 2020, the one where you announced a presidential task force to document the history of UF in relationship to race and ethnicity, particularly African Americans and Native Americans. A year has passed, and you just blocked three professors of political science from serving as expert witnesses in a lawsuit fighting discrimination against voters of color.

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In either case: you are saying that being an expert witness in defense of a restrictive voting rights law would - at least currently - be in the university's best interest and hence permissible. Even if such a law potentially discriminated against voters of color in the State of Florida.

And that is the one question I honestly want to get answered, and the reason why I Cc'ed [@Wimsett, Gary](#): Would I - given I had any competence in the field - be allowed to serve as expert witness testifying for the other side?

Thank you  
Simon Barke

--  
Dr Simon F Barke

Laser Interferometer Space Antenna (LISA)  
Dark Cosmos Laboratories  
Department of Physics  
College of Liberal Arts and Sciences  
University of Florida

+1 352 507 9970

**From:** Richard Rodriguez <rich.rr.rod@gmail.com>  
**Sent time:** 11/02/2021 10:59:02 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Enjoy the Feeling

---

[External Email]

In re UF prevents professors from testifying:

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I should just shut up now and let you enjoy that special feeling of being dilated in public. Hope you at least got lubed-up or a kiss from the Governor's staff beforehand. -10178 ?-8848 ?

Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 11:07:23 AM  
**To:** . COI staff <coi-se-staff-all@ad.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Enjoy the Feeling

---

He likes my photo.

---

**From:** Richard Rodriguez <rich.rr.rod@gmail.com>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Enjoy the Feeling

[External Email]

In re UF prevents professors from testifying:

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 11:08:53 AM  
**To:** Steve Orlando <sfo@UFL.EDU>; Fernandez, Hessa <hesselin.fermand@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Enjoy the Feeling

---

These kinds of messages are unpleasant but I do not think it rises to the level of being threatening. My question is where do I go with emails that cross the line?

Thanks,  
Gary

---

**From:** Richard Rodriguez <rich.rr.rod@gmail.com>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Enjoy the Feeling

**[External Email]**

In re UF prevents professors from testifying:

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Fernandez, Hessa  
**Sent time:** 11/02/2021 11:15:49 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Steve Orlando <sfo@UFL.EDU>  
**Subject:** Re: Enjoy the Feeling

---

-257 ? You should report it to UFPD.

Sent from my iPhone

On Nov 2, 2021, at 11:08 AM, Wimsett, Gary <gwimsett@ufl.edu> wrote:

-257 ?

These kinds of messages are unpleasant but I do not think it rises to the level of being threatening. My question is where do I go with emails that cross the line?

Thanks,  
Gary

---

**From:** Richard Rodriguez <rich.rr.rod@gmail.com>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Enjoy the Feeling

[External Email]

In re UF prevents professors from testifying:

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Glover, Joseph  
**Sent time:** 11/02/2021 11:16:46 AM  
**To:** Austin III, Roger <raustin@ufl.edu>; University of Florida <reply-fec01d747c61007d-272\_HTML-210168276-518003455-21004@info.gator360.ufl.edu>; President, University of Florida (Kent Fuchs) <president@UFL.EDU>  
**Cc:** Joe Glover (jglover@aa.ufl.edu) <jglover@aa.ufl.edu>  
**Subject:** RE: Message for UF community from President Fuchs and Provost Glover

---

Dear Mr. Austin,

Thanks very much for your note. We will keep your offer to serve in mind as we develop the Task Force.

Sincerely yours,  
Joe Glover

---

**From:** Austin III, Roger <raustin@ufl.edu>  
**Sent:** Tuesday, November 02, 2021 8:57 AM  
**To:** University of Florida <reply-fec01d747c61007d-272\_HTML-210168276-518003455-21004@info.gator360.ufl.edu>; President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** Re: Message for UF community from President Fuchs and Provost Glover

Dear President Fuchs and Provost Glover,

My name is Roger Austin and I am a local small business owner, attorney and have been a UF Adjunct Professor in the Department of Political Science since 2001.

As a long-time resident of Gainesville, a serial graduate of UF, and as someone who has one foot firmly planted in both town and gown, I would like to volunteer to be on the Task Force. I think I would bring a voice of reason from the community but also a unique perspective to this mission as a long time Adjunct Professor.

For what it's worth, much of my work and interest both personally and professionally has dealt with the issue of free speech and how this is balanced with other interests. All three of my law school research papers dealt with First Amendment issues and my UF dissertation was on the intersection of free speech and campaign finance.

Please feel free to call or email me if you have any comments or questions.

Sincerely,

Roger Austin  
904.571.5257

---

**From:** University of Florida - Do Not Reply <[do-not-reply-crm@ufl.edu](mailto:do-not-reply-crm@ufl.edu)>  
**Sent:** Monday, November 1, 2021 8:22 PM  
**To:** Austin III, Roger <[raustin@ufl.edu](mailto:raustin@ufl.edu)>  
**Subject:** Message for UF community from President Fuchs and Provost Glover

To view this email as a web page, go [here](#).

Dear campus community,

There have been news reports over the weekend indicating the University of Florida violated the First Amendment rights of three faculty members by denying their requests to testify in exchange for payment in a lawsuit over the state of Florida's new election laws.

First, we would like to be abundantly clear that the University of Florida stands firmly behind its commitment to uphold our most sacred right as Americans — the right to free speech — and to faculty members' right to academic freedom. Nothing is more fundamental to our existence as an institution of higher learning than these two bedrock principles. Vigorous intellectual discussions are at the heart of the marketplace of ideas we celebrate and hold so dear.

Second, we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity. While the existing policy was revised just last year, it is critical to ensure the policy advances the university's interests while protecting academic freedom.

Finally, as has already been reported by some news organizations, if the professors wish to

testify pro bono on their own time without using university resources, they are free to do so.

Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 11:19:58 AM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Enjoy the Feeling

---

I don't consider this threatening, although it is quite unpleasant. It's of a kind I've been getting and in line with some online abuse. I believe I will forward this along to UFPD just to be on the safe side. I do not think there's much to be done to head off this kind of thing as my name is on the disapprovals but it is a very unfair.

---

**From:** Richard Rodriguez <rich.rr.rod@gmail.com>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Enjoy the Feeling

**[External Email]**

In re UF prevents professors from testifying:

University employees are not part of the governor's office and therefore no conflict of interest exists. Period and end of story. The last I hear tell, the State's University system, vis-à-vis the Board of Regents, is independent of the State's Executive Branch.

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Glad I never applied to UF Law. Apparently they don't teach the US Constitution, e.g., the First Amendment, or Federal law, e.g., 42 USC sec 1983. Some State schools can be so parochial.

I should just shut up now and let you enjoy that special feeling of being dilated in public. Hope you at least got lubed-up or a kiss from the Governor's staff beforehand. 😏

Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 11:20:53 AM  
**To:** Fernandez, Hessa <hesselin.fernand@ufl.edu>  
**Cc:** Steve Orlando <sfo@UFL.EDU>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Enjoy the Feeling

---

Will do. Thanks.

---

**From:** Fernandez, Hessa <hesselin.fernand@ufl.edu>  
**Sent:** Tuesday, November 2, 2021 11:16 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Steve Orlando <sfo@UFL.EDU>  
**Subject:** Re: Enjoy the Feeling

-257 ?You should report it to UFPD.

Sent from my iPhone

On Nov 2, 2021, at 11:08 AM, Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)> wrote:

-257 ?

These kinds of messages are unpleasant but I do not think it rises to the level of being threatening. My question is where do I go with emails that cross the line?

Thanks,  
Gary

---

**From:** Richard Rodriguez <[rich.rr.rod@gmail.com](mailto:rich.rr.rod@gmail.com)>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>  
**Subject:** Enjoy the Feeling

[External Email]

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Glover, Joseph  
**Sent time:** 11/02/2021 11:24:57 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Enjoy the Feeling

---

Agreed.

---

**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, November 02, 2021 11:20 AM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Enjoy the Feeling

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**From:** Richard Rodriguez <[rich.rr.rod@gmail.com](mailto:rich.rr.rod@gmail.com)>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>  
**Subject:** Enjoy the Feeling

[External Email]

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Margolis,Maxine L  
**Sent time:** 11/02/2021 11:26:23 AM  
**To:** UF President Kent Fuchs <President-Fuchs@ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>; Richardson,David E <der@ufl.edu>  
**Subject:** Recent actions

---

I know your earlier message said Do Not Reply but I was so appalled by the recent actions of the UF administration with regard to the three faculty members who were muzzled from testifying about election issues that I simply had to. respond.

My question is: What were the Dean of CLAS, the Provost and the UF President thinki? That their move to suppress free speech would go unnoticed? Yes, UF has recently been named among the ten best public universities in the country, but this move is likely to prove a significant blow to this proud achievement.

I am writing this as a 35 plus-year member of the UF faculty, first hired as an ABD interim asst. professor in 1970 and having risen thru the ranks to full professor in 1984. A year after I retired in 2008, I was elected to the American Academy of Arts & Sciences.

Maxine L. Margolis  
Professor Emerita of Anthropology  
University of Florida  
<http://people.clas.ufl.edu/maxinem/>

Adjunct Senior Research Scholar  
Institute of Latin American Studies  
Columbia University, 2009-2020

Author: *Women in Fundamentalism: Modesty, Marriage, and Motherhood* (Rowman & Littlefield 2020)

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 11:44:18 AM  
**To:** Terra DuBois <tdubois@ufl.edu>; Spiguel, Ana Claudia <spiguela@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Enjoy the Feeling

---

The takeaway I am choosing is that I am glamorous.

---

**From:** Richard Rodriguez <rich.rr.rod@gmail.com>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** Enjoy the Feeling

[External Email]

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Keith E. Whittington <kewhitt@princeton.edu>  
**Sent time:** 11/02/2021 12:26:33 PM  
**To:** Phillips, Winfred M <wphil@ufl.edu>  
**Cc:** . UF Board of Trustees <ufbot@mail.ufl.edu>; Glover, Joseph <jglover@aa.ufl.edu>; Hass, Amy Meyers <amhass@UFL.EDU>; Richardson, David E <der@ufl.edu>; Bloom, David C <dbloom@UFL.EDU>  
**Subject:** Second Academic Freedom Alliance letter regarding pro bono condition on expert witness testimony  
**Attachments:** Second AFA Letter to the University of Florida.pdf

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[External Email]

President Fuchs,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech. [We wrote](#) to the leadership of the University of Florida on October 31 calling on the University to reaffirm its commitment to academic freedom by reversing its prohibition on members of the faculty serving as expert witnesses in a lawsuit against the state of Florida.

Unfortunately, [your most recent statement](#) is a half-measure that does not yet satisfy the University's obligations under the First Amendment. I write not to repeat the points we made in our earlier letter, but to address the specific question of whether members of your faculty can be restricted to serving as expert witnesses only on a pro bono basis.

In this context, there is no constitutional distinction to be made between faculty members serving as paid expert witnesses and testifying pro bono. A federal circuit court was very clear about this issue when confronted with an example of the state of Texas attempting to prohibit faculty members at a state university from serving as paid expert witnesses in a lawsuit against the state. The fact that an expert witness might be compensated for his or her work does not lessen the constitutional protections for that activity.

In this case, we are dealing with just "speech." If all it takes to make speech commercial is that the speaker is paid to say it, then every writer with a book deal, every radio D.J., and every newspaper and television reporter is engaged in commercial speech. "It is well settled that a speaker's rights are not lost merely because compensation is received; a speaker is no less a speaker because he or she is paid to speak." *Riley v. National Federation of the Blind of North Carolina, Inc.*, 487 U.S. 781, 801 (1988). Likewise, the fact that one is paid to be an expert witness, does not make his testimony commercial speech. . . . Therefore, the defining element of commercial speech is not that the speaker is paid to speak, but rather that the speech concerns the "economic interests of the speaker and its audience." *Hoover v. Morales*, 164 F.3d 221, 225 (5<sup>th</sup> Cir. 1998).

To the rhetorical question, "is speech still free if you get paid for it?" that court answered with an emphatic "yes." The constitutional right of these professors to testify in court is precisely the same whether they are being paid for their service or not.

The First Amendment strongly disfavors the kind of viewpoint discrimination against constitutionally protected speech that the University is currently contemplating. "A statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech." *Simon & Schuster, Inc. v. Members of New York State Crime Victims Board*, 502 U.S. 105, 115 (1991). The University is seeking to draw a bright line between a professor speaking as a paid expert witness in a lawsuit against the state and any other instance in which a professor might serve as a paid expert witness, but it is constitutionally unacceptable to draw such a line. Indeed, the University suggests that professors can be compensated to speak if they testify *in favor of the state* but they cannot be compensated to speak if they testify *against the state*. This is constitutionally unsustainable.

Moreover, the University is now seeking to distinguish this particular example of professorial speech from all others. If it is contrary to the best interest of the university for a faculty member to be retained as an expert witness in a lawsuit against the state, would it equally be against the best interest of the university for a faculty member to write a book, a scholarly journal article, or a newspaper op-ed criticizing the state's policies? Would it matter whether the professor is compensated for the op-ed or receives royalties from the book sales? Is the University proposing to suppress any criticism that members of its faculty might direct against the state unless they do so "pro bono on their own time"?

It cannot be a conflict of interest for a faculty member – in a private capacity and as an outside activity – to be retained as an expert witness in a lawsuit against the state when such work does not interfere with the ability of that faculty member to perform his or her ordinary duties for the University. Certainly the University cannot constitutionally single out this specific example of an outside activity and treat it differently simply because of the content of the speech. If the University allows members of the faculty to be compensated for their services while performing other outside activities, it cannot constitutionally prohibit them from doing so when those outside activities run contrary to the political and policy preferences of incumbent government officials.

The Academic Freedom Alliance stands firmly behind the professors in this matter and calls on the University of Florida to drop its requirement that these professors testify only on a pro bono basis.

Sincerely,

Keith E. Whittington  
Chair, Academic Freedom Alliance  
William Nelson Cromwell Professor of Politics  
Fisher Hall  
Princeton University  
Princeton, NJ 08544  
[@kewhittington](https://scholar.princeton.edu/kewhitt)



November 2, 2021

President Kent Fuchs  
University of Florida  
Gainesville, FL 32611

President Fuchs,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech. [We wrote](#) to the leadership of the University of Florida on October 31 calling on the University to reaffirm its commitment to academic freedom by reversing its prohibition on members of the faculty serving as expert witnesses in a lawsuit against the state of Florida.

Unfortunately, [your most recent statement](#) is a half-measure that does not yet satisfy the University's obligations under the First Amendment. I write not to repeat the points we made in our earlier letter, but to address the specific question of whether members of your faculty can be restricted to serving as expert witnesses only on a pro bono basis.

In this context, there is no constitutional distinction to be made between faculty members serving as paid expert witnesses and testifying pro bono. A federal circuit court was very clear about this issue when confronted with an example of the state of Texas attempting to prohibit faculty members at a state university from serving as paid expert witnesses in a lawsuit against the state. The fact that an expert witness might be compensated for his or her work does not lessen the constitutional protections for that activity.

In this case, we are dealing with just "speech." If all it takes to make speech commercial is that the speaker is paid to say it, then every writer with a book deal, every radio D.J., and every newspaper and television reporter is engaged in commercial speech. "It is well settled that a speaker's rights are not lost merely because compensation is received; a speaker is no less a speaker because he or she is paid to speak." *Riley v. National Federation of the Blind of North Carolina, Inc.*, 487 U.S. 781, 801 (1988). Likewise, the fact that one is paid to be an expert witness, does not make his testimony commercial speech. . . . Therefore, the defining element of commercial speech is not that the speaker is paid to speak, but rather that the speech concerns the "economic interests of the speaker and its audience." *Hoover v. Morales*, 164 F.3d 221, 225 (5<sup>th</sup> Cir. 1998).



To the rhetorical question, “is speech still free if you get paid for it?,” that court answered with an emphatic “yes.” The constitutional right of these professors to testify in court is precisely the same whether they are being paid for their service or not.

The First Amendment strongly disfavors the kind of viewpoint discrimination against constitutionally protected speech that the University is currently contemplating. "A statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech." *Simon & Schuster, Inc. v. Members of New York State Crime Victims Board*, 502 U.S. 105, 115 (1991). The University is seeking to draw a bright line between a professor speaking as a paid expert witness in a lawsuit against the state and any other instance in which a professor might serve as a paid expert witness, but it is constitutionally unacceptable to draw such a line. Indeed, the University suggests that professors can be compensated to speak if they testify *in favor of the state* but they cannot be compensated to speak if they testify *against the state*. This is constitutionally unsustainable.

Moreover, the University is now seeking to distinguish this particular example of professorial speech from all others. If it is contrary to the best interest of the university for a faculty member to be retained as an expert witness in a lawsuit against the state, would it equally be against the best interest of the university for a faculty member to write a book, a scholarly journal article, or a newspaper op-ed criticizing the state’s policies? Would it matter whether the professor is compensated for the op-ed or receives royalties from the book sales? Is the University proposing to suppress any criticism that members of its faculty might direct against the state unless they do so “pro bono on their own time”?

It cannot be a conflict of interest for a faculty member – in a private capacity and as an outside activity – to be retained as an expert witness in a lawsuit against the state when such work does not interfere with the ability of that faculty member to perform his or her ordinary duties for the University. Certainly the University cannot constitutionally single out this specific example of an outside activity and treat it differently simply because of the content of the speech. If the University allows members of the faculty to be compensated for their services while performing other outside activities, it cannot constitutionally prohibit them from doing so when those outside activities run contrary to the political and policy preferences of incumbent government officials.

The Academic Freedom Alliance stands firmly behind the professors in this matter and calls on the University of Florida to drop its requirement that these professors testify only on a pro bono basis.



Sincerely,

A handwritten signature in black ink, appearing to read "KW", with a long, sweeping horizontal line extending to the right.

Keith Whittington  
Chair, Academic Committee, Academic Freedom Alliance  
William Nelson Cromwell Professor of Politics, Princeton University

cc. Morteza Hosseini, Chair, Board of Trustees  
David Richardson, Dean of the College of Liberal Arts and Sciences  
Amy Meyers Hass, Vice President and General Counsel  
David Bloom, Chair, Faculty Senate

**From:** Glover,Joseph  
**Sent time:** 11/02/2021 01:09:43 PM  
**To:** Steve Orlando (sfo@UFL.EDU) <sfo@UFL.EDU>; Paton,Nancy <nancypaton@ufl.edu>  
**Subject:** FW: Second Academic Freedom Alliance letter regarding pro bono condition on expert witness testimony  
**Attachments:** Second AFA Letter to the University of Florida.pdf

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**From:** Keith E. Whittington <kewhitt@princeton.edu>  
**Sent:** Tuesday, November 02, 2021 12:27 PM  
**To:** Phillips, Winfred M <wphil@ufl.edu>  
**Cc:** . UF Board of Trustees <ufbot@mail.ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>; Hass,Amy Meyers <amhass@UFL.EDU>; Richardson,David E <der@ufl.edu>; Bloom,David C <dbloom@UFL.EDU>  
**Subject:** Second Academic Freedom Alliance letter regarding pro bono condition on expert witness testimony

[External Email]  
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To the rhetorical question, "is speech still free if you get paid for it?," that court answered with an emphatic "yes." The constitutional right of these professors to testify in court is precisely the same whether they are being paid for their service or not.

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constitutionally prohibit them from doing so when those outside activities run contrary to the political and policy preferences of incumbent government officials.

The Academic Freedom Alliance stands firmly behind the professors in this matter and calls on the University of Florida to drop its requirement that these professors testify only on a pro bono basis.

Sincerely,

Keith E. Whittington  
Chair, Academic Freedom Alliance  
William Nelson Cromwell Professor of Politics  
Fisher Hall  
Princeton University  
Princeton, NJ 08544  
[@kewhittington](https://scholar.princeton.edu/kewhitt)



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William Nelson Cromwell Professor of Politics, Princeton University

cc. Morteza Hosseini, Chair, Board of Trustees  
David Richardson, Dean of the College of Liberal Arts and Sciences  
Amy Meyers Hass, Vice President and General Counsel  
David Bloom, Chair, Faculty Senate

**From:** Hawkins, Thomas  
**Sent time:** 11/02/2021 01:27:39 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** FW: Message for UF community from President Fuchs and Provost Glover

---

Provost Glover,

I am faculty in the College of Design Construction and Planning and have been a Florida licensed attorney since 2005. I would like to apply to serve on the task force you and President Fuchs reference below regarding the university's conflict of interest policy. If you can provide any information on the task force or how I can seek additional information, please let me know.

I greatly appreciate the university appointing a task force on this subject and am interested in learning more!

Thank you,

Thomas

**W. Thomas Hawkins, JD, AICP**

Instructional Assistant Professor, Department of Urban and Regional Planning  
Program Director, Master of Urban and Regional Planning online  
School of Landscape Architecture and Planning  
College of Design, Construction and Planning  
[hawkins@dcp.ufl.edu](mailto:hawkins@dcp.ufl.edu)  
(352) 377-3141  
'tā-mə?s 'hō?-kə?nz  
he, him, his

---

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>  
**Reply-To:** University of Florida <reply-fec01d747c61007d-272\_HTML-207253405-518003455-10004@info.gator360.ufl.edu>  
**Date:** Monday, November 1, 2021 at 8:23 PM  
**To:** "Hawkins, Thomas" <wthomas@ufl.edu>  
**Subject:** Message for UF community from President Fuchs and Provost Glover

To view this email as a web page, go [here](#).

Dear campus community,

There have been news reports over the weekend indicating the University of Florida violated the First Amendment rights of three faculty members by denying their requests to testify in exchange for payment in a lawsuit over the state of Florida's new election laws.

First, we would like to be abundantly clear that the University of Florida stands firmly behind its commitment to uphold our most sacred right as Americans — the right to free speech — and to faculty members' right to academic freedom. Nothing is more fundamental to our existence as an institution of higher learning than these two bedrock principles. Vigorous intellectual discussions are at the heart of the marketplace of ideas we celebrate and hold so dear.

Second, we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity. While the existing policy was revised just last year, it is critical to ensure the policy advances the university's interests while protecting academic freedom.

Finally, as has already been reported by some news organizations, if the professors wish to testify pro bono on their own time without using university resources, they are free to do so.

Kent Fuchs, President  
Joe Glover, Provost



**From:** Glover, Joseph  
**Sent time:** 11/02/2021 01:30:35 PM  
**To:** Hawkins, Thomas <wthomas@ufl.edu>  
**Cc:** Joe Glover (jglover@aa.ufl.edu) <jglover@aa.ufl.edu>  
**Subject:** RE: Message for UF community from President Fuchs and Provost Glover

---

Thanks for your note. We are in conversation about how best to structure this review committee, and I will keep your offer in mind. – Joe Glover

---

**From:** Hawkins, Thomas <wthomas@ufl.edu>  
**Sent:** Tuesday, November 02, 2021 1:28 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** FW: Message for UF community from President Fuchs and Provost Glover

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**W. Thomas Hawkins, JD, AICP**

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Program Director, Master of Urban and Regional Planning online

School of Landscape Architecture and Planning

College of Design, Construction and Planning

[hawkins@dcp.ufl.edu](mailto:hawkins@dcp.ufl.edu)

(352) 377-3141

'tä-mə?s 'hò?-kə?nz

he, him, his

---

**From:** University of Florida - Do Not Reply <[do-not-reply-crm@ufl.edu](mailto:do-not-reply-crm@ufl.edu)>  
**Reply-To:** University of Florida <[reply-fec01d747c61007d-272\\_HTML-207253405-518003455-10004@info.gator360.ufl.edu](mailto:reply-fec01d747c61007d-272_HTML-207253405-518003455-10004@info.gator360.ufl.edu)>  
**Date:** Monday, November 1, 2021 at 8:23 PM  
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Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** Fernandez, Hessa  
**Sent time:** 11/02/2021 02:22:55 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Enjoy the Feeling

---

Gary,

Do you have a second?

---

**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Tuesday, November 2, 2021 11:09 AM  
**To:** Steve Orlando <sfo@UFL.EDU>; Fernandez, Hessa <hesselin.fernand@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Enjoy the Feeling

These kinds of messages are unpleasant but I do not think it rises to the level of being threatening. My question is where do I go with emails that cross the line?

Thanks,  
Gary

---

**From:** Richard Rodriguez <[rich.rr.rod@gmail.com](mailto:rich.rr.rod@gmail.com)>  
**Sent:** Tuesday, November 2, 2021 10:59 AM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>  
**Subject:** Enjoy the Feeling

[External Email]

In re UF prevents professors from testifying:

University employees are not part of the governor's office and therefore no conflict of interest exists. Period and end of story. The last I hear tell, the State's University system, vis-à-vis the Board of Regents, is independent of the State's Executive Branch.

But it sure seems like you enjoy being the Governor's hairy-arm ass puppet. Otherwise, what's to explain your apparent co-opt into fascist governance?

You should be ashamed, but by looking at your bio and egocentric glam photo, it's obvious that as an inadequately and unethically trained JD you have no concept of right or wrong, so shame, as the self-excrement from an abasement to morality, would be a foreign concept to you.

Glad I never applied to UF Law. Apparently they don't teach the US Constitution, e.g., the First Amendment, or Federal law, e.g., 42 USC sec 1983. Some State schools can be so parochial.

I should just shut up now and let you enjoy that special feeling of being dilated in public. Hope you at least got lubed-up or a kiss from the Governor's staff beforehand. 😊

Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 02:23:39 PM  
**To:** Fernandez, Hessa <hesselin.fernand@ufl.edu>  
**Subject:** Re: Enjoy the Feeling

---

Yes 352-262-6343

Gary Wimsett, Jr.

On Nov 2, 2021, at 2:23 PM, Fernandez, Hessa <hesselin.fernand@ufl.edu> wrote:

-257 ?  
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Do you have a second?

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Rich Rodriguez  
Former SG Treasurer and Stonewall Union Founder, FIU '92  
JD NYU

**From:** Wimsett, Gary  
**Sent time:** 11/02/2021 02:38:13 PM  
**To:** Fernandez, Hessa <hesselin.fernand@ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Enjoy the Feeling

---

Please call me back asap

---

**From:** Fernandez, Hessa <hesselin.fernand@ufl.edu>  
**Sent:** Tuesday, November 2, 2021 2:23 PM  
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**Subject:** RE: Enjoy the Feeling

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**From:** Hines,John  
**Sent time:** 11/02/2021 03:46:51 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** Public Records Request: W009899-110221

---

Gary/Brian-

Please see below for the public records request from WUFT and determine if you have responsive records. As a reminder, only existing public records should be provided. The Florida Public Record laws do not require the university to create new records in response to a request.

She wrote:

"I am requesting an opportunity to obtain copies of all requests from UF faculty or staff to serve as expert witnesses or deliver court testimony that were approved or disproved. I'm also requesting the reasoning for their denial, if applicable. "

Upon clarification, she provided the date range of May 2, 2020 to November 2, 2021.

**\*\*BEFORE YOUR DEPARTMENT OR THE DEPARTMENT WITH THE RESPONSIVE RECORDS COPIES OR SENDS ANY RECORDS TO THE OFFICE OF THE GENERAL COUNSEL FOR ATTORNEY REVIEW, PLEASE PROVIDE BARBARA WOOD IN THE GENERAL COUNSEL'S OFFICE AT [BLWOOD@UFL.EDU](mailto:BLWOOD@UFL.EDU) WITH A PAGE COUNT. PLEASE MAKE SURE TO INCLUDE THE TRACKING NUMBER IN THE SUBJECT LINE OF THE EMAIL. DO NOT SEND THE RECORDS UNTIL YOU ARE REQUESTED TO AFTER PROVIDING THE PAGE COUNT! WHEN RECORDS ARE REQUESTED BY THE GENERAL COUNSEL'S OFFICE, THE PREFERRED FORMAT IS PDF FOR USE WITH THE REDACTION SOFTWARE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US.\*\***

We will then determine if it is necessary to prepare an invoice and collect the funds in advance from the requester before any work is done by the department collecting the records.

Once you are asked to provide the records, please provide the records in electronic form unless asked otherwise. If you have any concerns or questions, please let me know.

Sincerely,  
John Hines  
(352) 392-1358  
[jkhines@ufl.edu](mailto:jkhines@ufl.edu)

Reference No: W009899-110221  
Request Status: New Request  
Service Request Type: Public Records Request  
Priority: Medium  
Assigned To: John Hines  
Customer Email: [april.rubin@ufl.edu](mailto:april.rubin@ufl.edu)  
Name: April Rubini  
Customer Phone: 3059568015  
Create Date: 11/2/2021 2:44:25 PM  
Update Date: 11/2/2021 2:44:28 PM  
Last Reviewed: 11/2/2021 2:44:27 PM  
Source: Web  
: Public Records Center  
: University of Florida  
Type of Record(s) Requested: General  
Describe the Record(s) Requested: Dear records custodian,

Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting an opportunity to obtain copies of all requests from UF faculty or staff to serve as expert witnesses or deliver court testimony that were approved or disproved. I'm also requesting the reasoning for their denial, if applicable.

I request a waiver of all fees for this request since the disclosure of the information I seek is not primarily in my commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the government, making the disclosure a matter of public interest.

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by s. 119.07(1)(d), F.S.

If you have any questions, you may contact me at [april.rubin@ufl.edu](mailto:april.rubin@ufl.edu).

Thank you,  
April Rubin  
305-956-8015  
Preferred Method to Receive Records: Electronic via Records Center  
Clarification:  
Exemptions:  
Amount of Payment:  
Date Payment Received:

**From:** Glover,Joseph  
**Sent time:** 11/02/2021 05:35:23 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Breaking News: U. of Florida Blocked Me From Role in Lawsuits Over Masking, Senior Doctor Says

---

**From:** The Chronicle of Higher Education <newsletter@newsletter.chronicle.com>  
**Sent:** Tuesday, November 2, 2021 4:04 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Breaking News: U. of Florida Blocked Me From Role in Lawsuits Over Masking, Senior Doctor Says

[External Email]

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# Breaking News

THE CHRONICLE OF HIGHER EDUCATION

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---

ACADEMIC FREEDOM

## [U. of Florida Doctor Says Administrators Blocked Him From Participating in Lawsuits About Masking](#)

By Lindsay Ellis



requests to testify in voting-rights litigation was not an isolated incident.

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The advertisement features a photograph of three people (two women and one man) looking at a computer screen. Below the photo is a dark blue banner with white and light blue text. The text includes 'VIRTUAL EVENT', 'REGISTER NOW' (in a light blue button), 'The Community Colleges Students Need Now', 'THE CHRONICLE OF HIGHER EDUCATION', and 'With Support from TIAA'.

BACKGROUNDER

## [U. of Florida's Accrator Will Investigate Denial of Professors' Voting-Rights Testimony](#)

*By Lindsay Ellis*

Image

The Southern Association of Colleges and Schools' Commission on Colleges said it would look into whether the flagship had violated policies when it denied the faculty members' requests to be expert witnesses.

IN CASE YOU MISSED IT

## **Stand Up for What You Believe, President Fuchs**

*By Holden Thorp*



At the University of Florida, the time for strategizing and threading needles is over.

IN CASE YOU MISSED IT

## **Totalitarianism Takes Aim at Higher Education**

*By Silke-Maria Weineck*

Image

The university has declared itself an arm of Ron DeSantis's government.

---

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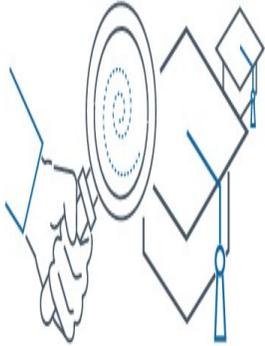
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---

## THE CHRONICLE OF HIGHER EDUCATION

This newsletter was sent to [glover@ufl.edu](mailto:glover@ufl.edu).

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1255 23rd Street, N.W. Washington, D.C. 20037

**From:** [REDACTED]

**Sent time:** 11/02/2021 08:46:23 PM

**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>; Fernandez, Hessa <hesselin.fermand@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>

**Subject:** Re: Message for UF community from President Fuchs and Provost Glover

Quick question as I am confused -- how is it that you state that Drs. McDonald, Smith and Austin are allowed to do this pro bono, yet Dr. Goldhagen was denied the opportunity to provide legal testimony in a pro bono capacity? Surely with your combined education and salaries, someone should be able to answer this simple question. Your answer, or lack thereof, will help guide me in deciding to finish my PhD program at UF as I do not want to write a dissertation that will not be published as it may be "adverse to the university's interests."

[REDACTED]

---

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>

**Sent:** Monday, November 1, 2021 8:22 PM

**To:** [REDACTED]

**Subject:** Message for UF community from President Fuchs and Provost Glover

To view this email as a web page, go [here](#).

Dear campus community,

There have been news reports over the weekend indicating the University of Florida violated the First Amendment rights of three faculty members by denying their requests to testify in exchange for payment in a lawsuit over the state of Florida's new election laws.

First, we would like to be abundantly clear that the University of Florida stands firmly behind its commitment to uphold our most sacred right as Americans — the right to free speech — and to faculty members' right to academic freedom. Nothing is more fundamental to our existence as an institution of higher learning than these two bedrock principles. Vigorous intellectual discussions are at the heart of the marketplace of ideas we celebrate and hold so dear.

Second, we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity. While the existing policy was revised just last year, it is critical to ensure the policy advances the university's interests while protecting academic freedom.

Finally, as has already been reported by some news organizations, if the professors wish to testify pro bono on their own time without using university resources, they are free to do so.

Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** [REDACTED]  
**Sent time:** 11/03/2021 06:53:04 AM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** UF President Kent Fuchs <President-Fuchs@ufl.edu>  
**Subject:** UF is a national embarrassment and I am worried for my future

---

Provost,

I find it both extremely embarrassing and threatening to my future career that I can open any national newspaper and read about how UF is barring our professors from testifying about Florida's voting laws. It is shameful to know that I am attending a university that actively stifles academic freedom and freedom of speech. It is hypocritical that UF has, as recently as 2019, not only supported but also PAID professors to testify against the state in voting rights cases (see: 2019 lawsuit about felon voting rights) but now those same actions are "adverse to UF's interests." I wonder, Provost, if you could explain to me how a university professor providing expert testimony on factual matters about voting rights could possibly be "adverse to UF's interests?" Shameful and embarrassing. Just this morning I read about how a fourth professor is now speaking up to say that our university blocked them from testifying about masks. Shameful and embarrassing. If you open the Chronicle of Higher Education's website right now (<https://www.chronicle.com/>) no less than five of the articles on the home page are about UF's actions (and not one of those articles supports UF's actions). Shameful and embarrassing. By the way, Provost, one of those articles is about how UF's accreditor is now investigating our university over these actions. Could you tell me, Provost, if having our accreditation revoked would be "adverse to UF's interests?" And by the way, your excuse that the professors were always allowed to testify pro-bono reeks of a "cover-your-ass" attempt. Anyone who reads the news knows that you didn't state that to the professors when you told them that they couldn't testify. Shameful and embarrassing.

I've been applying for internships all over the country for several weeks and I pray every day that the person who checks these applications doesn't read the news. I pray because I know that if that person does read the news, they will think the same thing that I do: UF's actions are shameful and embarrassing. I pray that UF's actions won't affect my chances at landing an internship or a job when I graduate. I pray that the accreditor doesn't take drastic action because it would harm me (and tens of thousands of other students) far more than it harms you or any other administrator. I pray that the university doesn't retaliate against me for writing this email because I know that if you won't stick up for your professor's rights to free speech then you would have no problem punishing me for my speech. Finally, I pray that the administration of UF caves to all the pressure and allows our professors to testify because it is the right thing to do, and you all know it.

God bless,  
[REDACTED] (student)

**From:** President, University of Florida (Kent Fuchs)  
**Sent time:** 11/03/2021 11:39:22 AM  
**To:** Paton,Nancy <nancypaton@ufl.edu>; Hass,Amy Meyers <amhass@UFL.EDU>; Kaplan,Mark E <mark.kaplan@ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: APSA Statement on Testimony from Professors  
**Attachments:** APSA Statement Florida Testimony FINAL.pdf

---

FYI.

Begin forwarded message:

**From:** Abby Paulson <apaulson@apsanet.org>  
**Date:** November 3, 2021 at 10:51:43 AM EDT  
**To:** "President, University of Florida (Kent Fuchs)" <president@ufl.edu>  
**Cc:** "Steven R. Smith" <smithsr@apsanet.org>  
**Subject:** APSA Statement on Testimony from Professors

-257 ?

[External Email]

Good morning President Fuchs,

Please find attached a statement from the leadership of the American Political Science Association regarding the developments related to the denial of permission for UF faculty to testify on SB 90 and their ability to be compensated for that work.

Sincerely,

Abby Paulson

Abby Paulson  
Associate Director, Government Relations and Public Engagement  
[American Political Science Association](https://www.apsanet.org/)  
240-643-8997  
[apaulson@apsanet.org](mailto:apaulson@apsanet.org)



## APSA Statement on Testimony from Florida Faculty

On behalf of the American Political Science Association, we strongly condemn the University of Florida's [unprecedented decision](#) to deny political scientists the opportunity to provide expert testimony on Senate Bill 90, a new restrictive Florida election law. This denial is an affront to the university's commitment to academic freedom and must be reversed.

Academics frequently provide expert testimony related to their research, and it is routine for them to be paid to do so. In their October 30 [statement](#), the university argued that they denied the requests for faculty to "undertake outside paid work adverse to the university's interests as a state of Florida institution." The university's suggestion that faculty cannot share analysis based on their research and expertise when their findings contradict the government's political position could have a chilling effect upon faculty members' exercise of their academic freedom. The university has since [stated](#) faculty may testify without receiving compensation. This is still a change that discourages academics' speech. Public universities must protect the independence of their faculty, their right to speech, and the freedom of academic inquiry.

The university has stated it will undergo a review "to ensure the [conflict of interest] policy advances the university's interests while protecting academic freedom." Universities in the United States, and particularly land grant universities like the University of Florida, have historically embraced their institutional role of serving the needs of the people of the state. Even if the scholars are able to testify pro bono, the University of Florida's actions represent a troubling reimagining of the role of the university in society. By discouraging testimony and asserting that engagement should align with the interests of the state or its funders, the university suggests it will shift its focus from serving the public at large through informed research, training, and non-partisan public engagement to only serving the public when it aligns with the interests of partisans in power.

Drs. Sharon Wright Austin, Michael McDonald, and Daniel A. Smith study the foundations of the United States' democracy and provide necessary insight into the health of our elections and political participation. They are nationally recognized experts in their respective areas. Restricting their ability to comment on Senate Bill 90 or any of the state's activities does a great disservice to democracy in the state and nation. The University of Florida must reverse this decision and allow them to testify with compensation for their time and expertise.

A handwritten signature in black ink, appearing to read 'John Ishiyama'.

John Ishiyama  
President

A handwritten signature in black ink, appearing to read 'Lisa Martin'.

Lisa Martin  
President-Elect

A handwritten signature in black ink, appearing to read 'Janet M. Box-Steffensmeier'.

Janet M. Box-Steffensmeier  
Past President

A handwritten signature in black ink, appearing to read 'Steven Rathgeb Smith'.

Steven Rathgeb Smith  
Executive Director

**From:** Stephen Casper <scasper@clarkson.edu>  
**Sent time:** 11/03/2021 11:43:46 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Faculty Senate Chair <FacultySenateChair@aa.ufl.edu>  
**Subject:** Academic Freedom and Conflict of Interest at the University of Florida

---

[External Email]

Dear Mr Wimsett,

I write to express my dismay at the University of Florida's theory of what qualifies as a conflict of interest.

As you know, there is extensive literature on conflicts of interest, published in engineering ethics, medical ethics, and law journals. The concern has traditionally been that motivated bias might result in the corruption of science, bias of objectivity, or actions that result in favorable outcomes to self and family members at the cost of public good or fairness. However, I can think of no examples in case law or otherwise where institutions of higher education have regarded external economic activity, speech, or advocacy as being anything other than evidence of leadership and impact by their faculty. Indeed, the ideal of knowledge transfer has been the reigning ethos for universities nationally since the 1980s.

You hold a JD from the University of Florida. You are a member in good standing of the Florida Bar. As an Officer of the Court it is impossible to believe that you sincerely hold that public university employees would be acting adversely to university interests by testifying in the State Courts. Courts are co-equal branches of government. The implication of the University of Florida's reading of conflicts of interest is that one branch of the State government should be denied expertise through amicus curiae or testifying expertise because doing so would result in adverse action by another branch of government against the University. I have cc:d the University of Florida faculty senate precisely because I am challenging how you can ethically justify such a view as an officer of the court.

This situation is deeply tragic and I hope you will use your position to reverse course.

--

Stephen T. Casper, PhD  
Professor, Humanities and Social Sciences  
Clarkson University  
Phone: +1 315 268 3882

**From:** Hines,John  
**Sent time:** 11/03/2021 04:23:13 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>; Richardson,David E <der@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** Public Records Request: W009914-110321

---

David/Gary/Brian:

Please see below for the public records request and determine if you have responsive records. As a reminder, only existing public records should be provided. The Florida Public Record laws do not require the university to create new records in response to a request.

The person is seeking:

“7. All Public Records dated from May 1, 2020 to October 1, 2020 relating in any way to actual or prospective participation by Professors Kenneth Nunn, Sarah Wolking, Teresa Jean Reid, and/or Mark Fenster in litigation challenging voting restrictions for persons with felony convictions in the State of Florida, including but not limited to the case captioned Jones v. DeSantis, Case No. 4:19-cv-00300 (N.D. Fla.) and 20-12003 (11th Cir.).

8. All Public Records reflecting actual or prospective testimony by Dr. Jeffrey Goldhagen in litigation concerning mask mandates in Florida schools.”

--They are seeking the outside activity forms for the people mentioned above.

**\*\*BEFORE YOUR DEPARTMENT OR THE DEPARTMENT WITH THE RESPONSIVE RECORDS COPIES OR SENDS ANY RECORDS TO THE OFFICE OF THE GENERAL COUNSEL FOR ATTORNEY REVIEW, PLEASE PROVIDE BARBARA WOOD IN THE GENERAL COUNSEL'S OFFICE AT [BLWOOD@UFL.EDU](mailto:BLWOOD@UFL.EDU) WITH A PAGE COUNT. PLEASE MAKE SURE TO INCLUDE THE TRACKING NUMBER IN THE SUBJECT LINE OF THE EMAIL. DO NOT SEND THE RECORDS UNTIL YOU ARE REQUESTED TO AFTER PROVIDING THE PAGE COUNT! WHEN RECORDS ARE REQUESTED BY THE GENERAL COUNSEL'S OFFICE, THE PREFERRED FORMAT IS PDF FOR USE WITH THE REDACTION SOFTWARE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US.\*\***

We will then determine if it is necessary to prepare an invoice and collect the funds in advance from the requester before any work is done by the department collecting the records.

Once you are asked to provide the records, please provide the records in electronic form unless asked otherwise. If you have any concerns or questions, please let me know.

Sincerely,  
John Hines  
(352) 392-1358  
[jkhines@ufl.edu](mailto:jkhines@ufl.edu)

**From:** Richardson,David E  
**Sent time:** 11/03/2021 05:13:36 PM  
**To:** Hines,John <jkhines@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** RE: Public Records Request: W009914-110321

---

John,

The four faculty members highlighted below are in the College of Law.

Dave

-----  
David E. Richardson  
Dean  
College of Liberal Arts and Sciences  
University of Florida  
Telephone: 352-392-0780  
-----

---

**From:** Hines,John  
**Sent:** Wednesday, November 3, 2021 4:23 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>; Richardson,David E <der@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** Public Records Request: W009914-110321

---

David/Gary/Brian:

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"7. All Public Records dated from May 1, 2020 to October 1, 2020 relating in any way to actual or prospective participation by Professors Kenneth Nunn, Sarah Wolking, Teresa Jean Reid, and/or Mark Fenster in litigation challenging voting restrictions for persons with felony convictions in the State of Florida, including but not limited to the case captioned Jones v. DeSantis, Case No. 4:19-cv-00300 (N.D. Fla.) and 20-12003 (11th Cir.).

8. All Public Records reflecting actual or prospective testimony by Dr. Jeffrey Goldhagen in litigation concerning mask mandates in Florida schools."

--They are seeking the outside activity forms for the people mentioned above.

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We will then determine if it is necessary to prepare an invoice and collect the funds in advance from the requester before any work is done by the department collecting the records.

Once you are asked to provide the records, please provide the records in electronic form unless asked otherwise. If you have any concerns or questions, please let me know.

Sincerely,  
John Hines  
(352) 392-1358  
[jkhines@ufl.edu](mailto:jkhines@ufl.edu)

**From:** Kaye,Stanley  
**Sent time:** 11/03/2021 05:56:45 PM  
**To:** UF President Kent Fuchs <President-Fuchs@ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** See below

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-257 ?

Dear President Fuchs and Provost Glover,

I want to be early in line to step up and ask to be appointed to the task force mentioned below---- I've been filing outside activity disclosures for 23 years.

Sincerely,

Dear campus community,

There have been news reports over the weekend indicating the University of Florida violated the First Amendment rights of three faculty members by denying their requests to testify in exchange for payment in a lawsuit over the state of Florida's new election laws.

First, we would like to be abundantly clear that the University of Florida stands firmly behind its commitment to uphold our most sacred right as Americans — the right to free speech — and to faculty members' right to academic freedom. Nothing is more fundamental to our existence as an institution of higher learning than these two bedrock principles. Vigorous intellectual discussions are at the heart of the marketplace of ideas we celebrate and hold so dear.

**Second, we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity. While the existing policy was revised just last year, it is critical to ensure the policy advances the university's interests while protecting academic freedom.**

Finally, as has already been reported by some news organizations, if the professors wish to testify pro bono on their own time without using university resources, they are free to do so.

Kent Fuchs, President  
Joe Glover, Provost



Stan Kaye- Professor, Designer- Consultant  
University of Florida  
School of Theatre and Dance  
352-273-0510  
[www.arts.ufl.edu](http://www.arts.ufl.edu)  
[www.skdlc.com](http://www.skdlc.com)  
mobile 352-317-2855  
**Stans Office Hour via ZOOM**  
Stan Kaye's Personal Meeting Room  
Meeting ID  
840 035 9856

**Join URL: <https://ufl.zoom.us/j/8400359856>**

**From:** Glover,Joseph  
**Sent time:** 11/03/2021 06:01:55 PM  
**To:** Bloom,David C <dbloom@UFL.EDU>  
**Subject:** Call

---

Dave. Could we speak either tonight or early tomorrow? Kent would like your recommendation of a faculty member to serve on a small task force to examine the question of expert testimony. I intend to nominate Clay Calvert from the Breckner center. He wants to get this done tomorrow thanks. Joe. By the way I dont have your cell phone number so I cant call you directly.

**From:** Bloom,David C  
**Sent time:** 11/03/2021 08:24:50 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Re: Call

---

Hi Joe,

Clay Calvert sounds great. Kent said you might want 2 additional faculty nominations from me?

If so I will send you some names shortly.

Feel free to call 352-494-9701

Thanks,

Dave

David C. Bloom, Ph.D.

Professor

Department of Molecular Genetics & Microbiology

University of Florida College of Medicine

Gainesville, FL 32610-0266

Tel: 352-273-9524

Fax: 352-273-8905

> On Nov 3, 2021, at 6:01 PM, Glover,Joseph <jglover@aa.ufl.edu> wrote:

>

> Dave. Could we speak either tonight or early tomorrow? Kent would like your recommendation of a faculty member to serve on a small task force to examine the question of expert testimony. I intend to nominate Clay Calvert from the Breckner center. He wants to get this done tomorrow thanks. Joe. By the way I dont have your cell phone number so I cant call you directly.

**From:** Jacob Sider Jost <siderjoj@dickinson.edu>  
**Sent time:** 11/04/2021 04:41:47 AM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** lessons from the East German university system

---

[External Email]

Dear President Fuchs, dear Dr. Glover,

I hope this finds you well. My name is Jacob Sider Jost, and I'm a scholar of the European Enlightenment, currently spending a year as a Humboldt fellow at the University of Halle, in Germany. I can't boast of any direct connection to your university, but through work as a journal editor I have worked closely with one of your distinguished English professors, Melvin New, and I've also profited greatly from the research of another UF scholar, Roger Maioli.

I have been alarmed to read several recent stories, in the Chronicle of Higher Ed and elsewhere, about UF's attempt to prevent its faculty from testifying in a Florida voting rights case with a pretextual "conflict of interest" justification--as though the interest of a university could be aligned with a particular political administration or law, rather than the free pursuit of truth and the common good. It was particularly alarming to read about a clear double standard between UF's treatment of Profs. McDonald, Smith, and Austin, and FIU professor Dario Moreno.

I find this story particularly alarming because political control of universities was an oppressive everyday reality here at the University of Halle, in the former East Germany, just a few decades ago. When you were starting your academic careers at Illinois and Florida in the 1980s, your colleagues in eastern Europe were subject to the sorts of chilling limitations on civic and legal speech that UF has tried to impose on its faculty. As you know, East Germany in the 80s wasn't a Stalinist, totalitarian state: it was just a place where the regime, and its allies in the universities, saw nothing wrong with subordinating academic freedom to the interests of the governing political party.

It was also a drab, poor, place, and its universities produced lower-quality scholarship than their competitors in the west.

As a scholar speaking to fellow scholars, I call on you to stand up for the principle of academic freedom and state forcefully that the interests of a university can never be co-opted by the interests of a regime.

Since the ideal of "academic freedom" may seem too abstract to carry weight in the world of big public university administration, permit me to close with one other thought: like many mid- and later-career scholars, I get asked to participate in the reputation surveys that make up this or that university ranking. Not the USNWR, obviously--my understanding is that those reputation surveys go to higher-up folks like yourselves. But I certainly notice when institutions damage their reputations in public, and how they respond (Theresa Sullivan's case at UVA a few years ago would be a good example). I suspect that presidents and provosts and deans of admission whose opinions make 20% of the survey pay attention too. My understanding is that USNWR rankings are a bit of a fetish object for the UF leadership. So if you aren't willing to stand up for Profs. McDonald, Smith, and Austin for the right reasons, I exhort you to do it for the rankings.

All best wishes,

Jacob

--

Jacob Sider Jost  
2021-22 Humboldt Fellow  
Interdisciplinary Centre for European Enlightenment Studies (IZEA), University of Halle  
Associate Professor of English, Dickinson College  
Mobile: +49 1634816563  
[siderjoj@dickinson.edu](mailto:siderjoj@dickinson.edu)

**From:** Thomas Potter <mr\_thomas\_potter@yahoo.com>

**Sent time:** 11/04/2021 10:12:38 AM

**To:** Wimsett, Gary <gwimsett@ufl.edu>

president@uff-uf.org; daoneil@debevoise.com; aceballos@miamiherald.com; meklas@miamiherald.com; Blake.Montgomery@thedailybeast.com; lindsay.ellis@chronicle.com; gallen@npr.org; slemongello@orlandosentinel.com; smwei@umich.edu; lmower@tampabay.com;

**Cc:** reagan.ventures@protonmail.com; richard.corcoran@fldoe.org; timothy.snyder@yale.edu; conor@donnellygross.com; paul@donnellygross.com; bwheelan@sascoc.org; Goldhagen,Jeffrey <jeffrey.goldhagen@jax.ufl.edu>; Danielle Ivanov <divanov@gannett.com>; Fernandez, Hessa <hesselin.fernand@ufl.edu>

**Subject:** TOTALITARIANISM TAKES AIM AT HIGHER EDUCATION

[External Email]

Gary Wimsett

University of Florida

Assistant Vice President for Conflicts of Interest

Dear Mr. Wimsett,

I thought you may have an interest reading this insightful warning about the future of our democracy.

It reminds me of the saying, "How do you eat an elephant? One bite at a time".

Don't forget that this is what caused the Florida political/academic conflict of interest.



Sincerely,

Thomas Potter

Grafton, Ohio

TOTALITARIANISM TAKES AIM AT HIGHER EDUCATION THE UNIVERSITY OF FLORIDA HAS DECLARED ITSELF AN ARM OF DESANTIS'S GOVERNMENT.

By Silke-Maria Weineck

November 1, 2021

It's rarely a good sign if you find yourself wondering how to translate certain German words: Gleichschaltung, for instance, or vorauseilender Gehorsam. But reading the news out of the University of Florida, where two administrators informed three faculty members that they were not permitted to testify as expert witnesses in a court challenge to Florida's voter-suppression laws, will send you down that road.

Gleichschaltung is the process by which institutions are brought under the control of totalitarian ideology. It is frequently rendered as "coordination" or "synchronization," but those terms lack the terrifying connotation of switches flipped, one by one, until the same ideological current flows through every previously independent institution.

Vorauselender Gehorsam means “obedience ahead of the command.” The Yale historian Timothy Snyder translates it as “anticipatory obedience,” and that is close enough, but it doesn’t quite capture the scurrying servility implied in “vorauselien,” to hurry ahead.

We don’t know on whose orders David E. Richardson, dean of the university’s college of arts and sciences, rejected the request of Daniel A. Smith, chair of its political-science department, to testify as an expert witness in the voting-rights case; or on whose orders Gary Wimsett, UF’s assistant vice president for conflicts of interest, rejected the requests of Michael McDonald, who studies national elections, and Sharon Wright Austin, who studies the political behavior of African Americans, to do the same. All three faculty members had previously testified as expert witnesses against the state in other cases, and the university had never declared them to be subject to conflicts of interest.

Unless we want to believe that two different administrators independently invented the same policy from scratch and presented it in near-identical terms, we have to conclude that Richardson and Wimsett acted on orders from above. The notion that they simply anticipated such orders is, in some regards, even worse. Whatever the truth of the matter, we do know that Richardson wrote that “outside activities that may pose a conflict of interest to the executive branch of the state of Florida create a conflict for the University of Florida.” And Wimsett wrote in an email filed with court documents: “UF will deny its employees’ requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF’s interests.”

Whether they got their orders from the trustees, the president, the provost, or from Gov. Ron DeSantis or one of his minions will emerge in due course. But no matter where the directive originated, both men should have refused to carry it out. They should instead have offered their resignations. You do not obey such commands, you do not hurry ahead to destroy your university’s reputation at the bidding of an authoritarian regime.

Those who have objected to the denials have overwhelmingly invoked the professors’ freedom of speech in general and their academic freedom in particular, and rightly so. But there is something here even more sinister than the by-now familiar spectacle — in the concerted attacks on critical race theory, the firing of professors questioning a college’s lax Covid policies, or the failure to offer tenure protections to Nikole Hannah-Jones — of the American right’s seeking to strangle the speech of its opponents.

The most deeply troubling aspect of this episode is the explicit conflation of the interest of a state government with the interest of a state university. A public university is beholden to truth-seeking and truth-speaking, and neither can possibly be subject to direct political control. A university that bars its faculty from criticizing the government in court has abandoned its core mission and tossed what should be its most fundamental values to a foul-smelling wind.

The implications of the assertion that the faculty must not act in a manner adverse to the regime’s interest — “activities that may pose a conflict of interest to the executive branch of the state of Florida create a conflict for the University of Florida” — are staggering. If you are not allowed to bear witness against voter suppression in court, why would you be allowed to study the effects of voter suppression in the first place, or to teach your students about them? Such research and such teaching are not in Ron DeSantis’s interest, either, and by the logic of Richardson’s denial, any activity that is not in Ron DeSantis’s interest is not in the interest of the University of Florida. Neither, one assumes, is research into the environmental toll of his climate policies, the human toll of his welfare policies, or the death toll of his Covid policies. A university declared an arm not simply of the state but of its partisan government ceases to be a university.

To be sure, UF is in a tough spot here: It heavily depends on state funding, and you’d expect there to be strings attached, seeing Republicans’ general opposition to the core principles of any form of higher education that cannot be monetized, but to see those strings used as garrotes should be profoundly troubling to any academic at any public university.

If the denials are not overturned, the legal team that sought to hire Austin, McDonald, and Smith can find other experts. But the university’s decision to declare itself an arm of DeSantis’s government rather than an independent institution beholden to the production and dissemination of knowledge and expertise represents an instance of Gleichschaltung that will be more difficult to reverse. It will only get worse. That it is the democratic franchise itself that is at stake in the court case in question only highlights how deep the threat is. Access to the vote is to democracy as freedom of speech is to the university: fundamental, constitutive. Democracies go bankrupt the same way everybody else does: very slowly, then all of a sudden. We are still at “slowly.” All of a sudden is scheduled for Tuesday, November 8, 2022. If Florida’s administrators have ever asked themselves how they would have acted in 1932, now they know.

- Silke-Maria Weineck is a professor of German and comparative literature at the University of Michigan at Ann Arbor.

[Sent from Yahoo Mail on Android](#)

**From:** Parks,Robert M  
**Sent time:** 11/04/2021 10:49:42 AM  
**To:** Hass, Chris J <cjhass@aa.ufl.edu>  
**Subject:** FW: Press Conference: UF's Problem with Academic Freedom

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**From:** Searight Christiano, Ann Elizabeth <achristiano@jou.ufl.edu>  
**Sent:** Thursday, November 4, 2021 9:49 AM  
**To:** Parks,Robert M <rmparks@UFL.EDU>  
**Subject:** Fw: Press Conference: UF's Problem with Academic Freedom

Bob, I'm very much looking forward to tomorrow's workshop, but I do worry about this being highly distracting for our participants. I would think that incoming chairs might be particularly concerned about this issue. How do you think we should handle?

---

**From:** United Faculty of Florida - University of Florida <[membership-coordinator@uff-uf.org](mailto:membership-coordinator@uff-uf.org)>  
**Sent:** Thursday, November 4, 2021 9:43 AM  
**To:** Searight Christiano, Ann Elizabeth <[achristiano@jou.ufl.edu](mailto:achristiano@jou.ufl.edu)>  
**Subject:** Press Conference: UF's Problem with Academic Freedom

[External Email]

UFF-UF News

United Faculty of Florida University of Florida

## Press Conference: *UF's Problem with Academic Freedom*

Dear Colleagues,

I am excited to tell you that UFF-UF will be holding a Save Academic Freedom @UF virtual news conference this Friday at 10:00 am EDT. At this event, we will be sharing our stories of struggle as well as our action plans for a long-range campaign to restore dignity and academic freedom at the University of Florida. Share with colleagues!

Please click on the link below to register — a Zoom link will be accessible once you've signed up!

[https://floridaea.zoom.us/webinar/register/WN\\_MgPXibq6Q3SsAkiBDy3C6Q?fbclid=IwAR3JZOiR\\_rxNC7MuSIO13PGN\\_uD9jAsXGvQf2vdfzmPRGTWDkaC-ft7cLUu](https://floridaea.zoom.us/webinar/register/WN_MgPXibq6Q3SsAkiBDy3C6Q?fbclid=IwAR3JZOiR_rxNC7MuSIO13PGN_uD9jAsXGvQf2vdfzmPRGTWDkaC-ft7cLUu)

In effort to combat UF's assault on academic freedom and the First Amendment, we will be presenting the following demands on Friday.

This Friday's news conference will be a ramp up towards a rally, direct actions, government outreach, petitions and other elements in a broader fight for power in the workplace! We need you now more than ever.

In Solidarity,

*Paul Ortiz*

FL-UF-21-1634-A-000249



**MEDIA ADVISORY**

**Nov. 3, 2021**

**Contacts:** Paul Ortiz  
UFF-UF President, Professor of History  
[ortizprof@gmail.com](mailto:ortizprof@gmail.com) (831) 334-0131  
Candi Churchill, UFF Executive Director  
[Candi.Churchill@floridaea.org](mailto:Candi.Churchill@floridaea.org)  
(352) 281-7454

**'Save Academic Freedom @UF' virtual news conference set for Friday**

*Faculty members and students take action to defend academic freedom and free speech*

The United Faculty of Florida-University of Florida (UFF-UF) will hold a virtual press conference at 10 a.m. Friday, Nov. 5. Speakers will share their experiences and plans for restoring the integrity of academic freedom and defending free speech at the University of Florida (UF).

This event follows on the university's recent move to deny permission to three professors to testify as expert witnesses in a lawsuit challenging a new Florida law restricting voting rights. News conference speakers also will address the much broader assault taking place on academic freedom and faculty and student rights at Florida's public institutions of higher education, including the new "[viewpoint discrimination](#)" law (HB 233), and the harassment of international faculty and students under the federal "[China Initiative](#)."

**EVENT DETAILS**

**What:** 'Save Academic Freedom @UF' news conference  
**When:** 10 a.m. EDT Friday, Nov. 5  
**Where:** Virtual, via Zoom  
*Click the link to register for the news conference:*  
[https://floridaea.zoom.us/webinar/register/WN\\_MqPXibq6Q3SsAkiBDy3C6Q](https://floridaea.zoom.us/webinar/register/WN_MqPXibq6Q3SsAkiBDy3C6Q)  
**Who:** Meera Sitharam, professor of computer science and engineering  
Paul Ortiz, professor of history and director of the Samuel Proctor Oral History Program  
Brian Cahill, lecturer in psychology  
Charles Karcher, undergraduate student  
Andrew Gothard, UFF statewide president

Representing 34 chapters across the state of Florida, UFF statewide published a press release on Oct. 30: <https://myuff.org/press-release-united-faculty-of-florida-stands-up-for-uf-professors/>.

UFF is the higher education affiliate of the Florida Education Association (FEA), jointly affiliated with the National Education Association (NEA) and the American Federation of Teachers (AFT/AFL-CIO). UFF represents 25,000 faculty at all 12 public universities, at 16 colleges, and at the private Saint Leo University. UFF also represents more than 8,000 graduate assistants at four public universities.

**Relevant News**

**['I'm Speechless': What Prompted the U. of Florida to tell professors not to testify?](#)**

- "It's not just three professors.

An effort by the University of Florida to deny professors the ability to testify in litigation against the state extends beyond the previously known political-science faculty members, whose restrictions were revealed in a court filing on Friday.

Administrators denied requests from a fourth professor who had asked to participate in litigation supporting mask mandates against Florida in August, too." -

**The Chronicle of Higher Education, 11/02/2021**

FL-UF-21-1634-A-000250

[UF, seeking status in academia, is blasted by its own faculty leaders](#)

- "The decision was the latest in a recent string of developments that have raised questions about the university's independence from state political leaders, said Meera Sitharam, vice president of the university's faculty union." - **Tampa Bay Times, 11/02/2021**

[Opinion: We work for the people of Florida. That's why we can't let the University of Florida silence us on voting rights law.](#)

- "We would have hoped that the university's response to political encroachment would be to stand up for its independence and stand firm behind its guiding mission. Instead, it has caved — and in the process, it has forgotten whom we work for. As public employees, we serve all Floridians, not the politicians who control the state government." - **Washington Post, 11/03/2021**

[UFF-UF's website](#) | [friend us on Facebook](#) | [forward to a friend](#)  
[View email in your browser](#)

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#).

**From:** Power,Brian J  
**Sent time:** 11/04/2021 03:53:08 PM  
**To:** Hines,John <jkhines@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** RE: Public Records Request: W009914-110321  
**Attachments:** Reid Disclosure.pdf Wolking Disclosure.pdf Fenster Disclosure.pdf Goldhagen Disclosure\_DOI00017218.pdf Goldhagen Disclosure\_DOI00017221.pdf Goldhagen Disclosure\_DOI00019537.pdf Nunn Disclosure.pdf

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Attached the relevant disclosures from our UFOLIO system.

Thanks,  
Brian

**Brian J. Power, J.D.**  
Director, Conflicts of Interest  
[Conflicts of Interest Program](#)  
Accountability | Integrity | Transparency | Consistency  
Office of the Provost  
University of Florida

Phone: 352-294-6355  
Email: [Brian.Power@ufl.edu](mailto:Brian.Power@ufl.edu)

PO Box 112800, Gainesville, 32601

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**From:** Hines,John <jkhines@ufl.edu>  
**Sent:** Wednesday, November 3, 2021 4:23 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power,Brian J <brian.power@ufl.edu>; Richardson,David E <der@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** Public Records Request: W009914-110321

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David/Gary/Brian:

Please see below for the public records request and determine if you have responsive records. As a reminder, only existing public records should be provided. The Florida Public Record laws do not require the university to create new records in response to a request.

The person is seeking:

- “7. All Public Records dated from May 1, 2020 to October 1, 2020 relating in any way to actual or prospective participation by Professors Kenneth Nunn, Sarah Wolking, Teresa Jean Reid, and/or Mark Fenster in litigation challenging voting restrictions for persons with felony convictions in the State of Florida, including but not limited to the case captioned Jones v. DeSantis, Case No. 4:19-cv-00300 (N.D. Fla.) and 20-12003 (11th Cir.).
8. All Public Records reflecting actual or prospective testimony by Dr. Jeffrey Goldhagen in litigation concerning mask mandates in Florida schools.”

--They are seeking the outside activity forms for the people mentioned above.

**\*\*BEFORE YOUR DEPARTMENT OR THE DEPARTMENT WITH THE RESPONSIVE RECORDS COPIES OR SENDS ANY RECORDS TO THE OFFICE OF THE GENERAL COUNSEL FOR ATTORNEY REVIEW, PLEASE PROVIDE BARBARA WOOD IN THE GENERAL COUNSEL'S OFFICE AT [BLWOOD@UFL.EDU](mailto:BLWOOD@UFL.EDU) WITH A PAGE COUNT. PLEASE MAKE SURE TO INCLUDE THE TRACKING NUMBER IN THE SUBJECT LINE OF THE EMAIL. DO NOT SEND THE RECORDS UNTIL YOU ARE REQUESTED TO AFTER PROVIDING THE PAGE COUNT! WHEN RECORDS ARE REQUESTED BY THE GENERAL COUNSEL'S OFFICE, THE PREFERRED FORMAT IS PDF FOR USE WITH THE REDACTION SOFTWARE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US.\*\***

We will then determine if it is necessary to prepare an invoice and collect the funds in advance from the requester before any work is done by the department collecting the records.

Once you are asked to provide the records, please provide the records in electronic form unless asked otherwise. If you have any concerns or questions, please let me know.

Sincerely,

John Hines  
(352) 392-1358  
[jkhines@ufl.edu](mailto:jkhines@ufl.edu)

Date: Tuesday, July 14, 2020 4:45:09 PM

Print

Close

View: SF: What to disclose

**Name:** Kenneth Nunn 2020 - Pillsbury Winthrop Shaw Pittman LLP**Disclosure Type:** Legal Consulting**Status:** Review Complete

University of Florida faculty and staff are required to disclose certain outside activities and financial interests. Activities to be disclosed for review and prior approval include paid or unpaid professional activities (e.g., a consulting relationship with a private company) that you are not doing as part of your UF role and/or job description. Financial interests in entities doing business with UF (buying goods or services, selling goods or services, sponsoring your research, licensing your technology) or competing with UF (research or teaching, for example) must be disclosed. Disclosure of these kinds of activities and/or interests provides the opportunity for discussion and review by appropriate UF officials and the management or elimination of potential conflicts of interest. UF has created [a list of examples](#) to provide further clarification.

Please answer the following questions to determine whether you have an activity and/or interest to disclose:

- 1. \* Do you or your spouse, child or relative have a management position (e.g., officer, director, partner, proprietor), or a material financial interest (more than 5% ownership interest) in an outside entity that enters into agreements or contracts with UF (e.g., service agreements, leases, sales agreements) or does business with UF in any capacity?**  
 Yes  
 No
  
- 2. \* Do you or your spouse or dependent child have a financial interest of \$5,000 or more in a publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? "Financial interest" consists of the aggregate value of any remuneration received from the entity and any equity/ownership interest (including stock, stock option, or other ownership interest) in the entity as of the date of disclosure. [Note: Remuneration includes any payment or compensation for services received from the entity in the twelve months preceding the disclosure. Do not include income or any equity/ownership interest from independently managed investment vehicles like mutual funds or retirement accounts.]**  
 Yes  
 No
  
- 3. \* Do you or your spouse or dependent child receive remuneration of \$5,000 or more from or have ANY equity/ownership interest (including stock, stock option, or other ownership interest) in a non-publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? [Note: Remuneration includes any income or payment for services received from the entity in the twelve months preceding the disclosure.]**  
 Yes  
 No
  
- 4. \* Are you a candidate for public office or do you hold public office?**  
 Yes  
 No

5. \* Do you have or are you seeking approval to hold a teaching appointment with any entity other than UF?
- Yes  
 No
6. \* Do you conduct or are you seeking approval to conduct any research at, or receive any research funding from or through, any entity other than UF? [Note: Research conducted at outside entities as part of a UF sponsored project or research funding received by UF does not need to be disclosed.]
- Yes  
 No
7. \* Do you require or are you seeking approval to require students to purchase works used in your classroom you or your spouse created, authored or co-authored (e.g., textbook(s), computer software, electronic or digital media) and for which you or your spouse will receive, or anticipate receiving payment, loan, subscription, advance, deposit of money, service, or anything of value?
- Yes  
 No
8. \* Do you receive royalties, licensing fees or any income of \$5,000 or more from intellectual property rights and interests (e.g., patents, copyrights) related to your UF expertise from any entity other than UF?
- Yes  
 No
9. \* Do you serve or are you seeking approval to serve as an expert witness or engage in consulting in a legal matter such as a lawsuit or a potential lawsuit?
- Yes  
 No
10. \* Do you provide or are you seeking approval to provide paid or unpaid professional services related to your UF expertise to an outside entity?
- Yes  
 No
11. \* Do you have a paid or unpaid senior management, administrative, or leadership role related to your UF expertise with an outside entity where you make executive business or financial decisions on behalf of the outside entity?
- Yes  
 No

View: SF: Disclosure Entity Information

**Name:** Kenneth Nunn 2020 - Pillsbury Winthrop Shaw Pittman LLP

**Disclosure Type:** Legal Consulting

**Status:** Review Complete

## Disclosure for Kenneth Nunn: Entity Information

### 1. External entity:

Pillsbury Winthrop Shaw Pittman LLP

or

If you are unable to find the entity, please enter as text below:

### 2. Entity EIN Tax Number (optional):

### 3. Entity Website URL (optional):

### 4. \* What type of outside activity and/or financial interest do you have or will you have with the outside entity?

Legal Consulting

View: SF: Disclosure Legal Consulting

## Disclosure for Kenneth Nunn: Legal Consulting

### 1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?

Yes

No

### 2. \* Will you be hired by the Plaintiff or Defendant?

Plaintiff

I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.



### 3. Enter Plaintiff(s) name:

Kelvin Leon Jones, et al.

### 4. Enter Plaintiff law firm/attorney name:

Pillsbury Winthrop Shaw Pittman LLP

### 5. Enter Defendant(s) name:

Ron DeSantis, et al.

**6. Enter Defendant law firm/attorney name:**

Attorney General of Florida

**7. Start date:**

7/13/2020

**8. End date:**

8/1/2020

**9. City/State where the alleged issue occurred or relates to:**

Tallahassee, Florida

**10. Estimated annual compensation:**

\$0â€“\$4,999

**11. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?**

Yes

No

**12. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida. Also, include any additional information that helps clarify this disclosure:**

It will not put me in a position adverse to the interests of the University of Florida. I simply wish to sign on to an amicus brief, as one of more than 100 professors of law, to express an opinion about the proper interpretation of the law in regards to not infringing on the voting rights of ex-felons as provided by citizen initiative in the State of Florida. I understand that I may not participate in my capacity as an employee of the University of Florida or on behalf of the Levin College of Law or the University of Florida. I will ensure that the amicus brief clearly indicates that any law school or university affiliation is included for identification purposes only.

**13. Related Documents:**

Name	Description
There are no items to display	

View: SF: Time Commitment

## Disclosure for Kenneth Nunn: Legal Consulting

### Time Commitment

**1. \* Approximately how long do you expect this activity or relationship to last in total?**

3 to 6 weeks

**2. \* Estimated start date:**

7/13/2020

**3. Estimated end date:**

7/31/2020

**4.****\*Approximately how many hours per week do you expect to spend on this activity?**

1

**5. Explain any additional information to clarify the dates or time commitment involved:**

I have to sign a letter of interest. Then I will be a member of the amicus class and will remain so for the pendency of the case.

View: SF: Certification

## Disclosure for Kenneth Nunn: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: KN**

***After certification, you will be brought to your disclosure workspace. To route your disclosure for review, select the "Submit Disclosure" activity on the left navigation. Your disclosure is not complete until the "Submit Disclosure" activity is executed, and your disclosure changes from the "Pre-Submission".***



Need help? Contact us:  
Ufolio-Help@ufl.edu  
(352) 294-6353

Date: Thursday, August 12, 2021 4:16:47 PM

Print Close

View: SF: Disclosure Type

ID: DOI00017221

Name: Jeffrey Goldhagen 2021 - Matthew Dietz, Disability Independence Group, Inc.

Disclosure Type: Legal Consulting

Status: Disapproved

Department: 30090000 JX-PEDIATRICS-JACKSONVILLE

Disclosure Submitted Date/Time: Aug 11, 2021 08:26am

Level 2 Review: Disapproved on Aug 12, 2021 4:16pm

## Disclosure for Jeffrey Goldhagen: Disclosure Type

\* Please select the type of outside activity or interest you have to disclose. If you have multiple disclosures to enter, you will disclose one at a time (e.g., consulting for one outside entity and a leadership role with a different outside entity). If none of these activities or interests apply to you, select that option at the bottom of the list.

Legal Consulting

View: SF: Disclosure Entity Information

## Disclosure for Jeffrey Goldhagen: Entity Information

### 1. External entity:

or

If entity not listed, enter a single/specific entity name here:

Matthew Dietz, Disability Independence Group, Inc.

\* Is the entity publicly traded?

- Yes
- No

\* Country:

United States

### Entity-related documents:

Name	Description
There are no items to display	

### 2. Entity EIN tax number (optional):

### 3. Entity website URL (optional):



View: SF: Disclosure Legal Consulting

## Disclosure for Jeffrey Goldhagen: Legal Consulting

1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?

Yes  
 No

- \* Does this legal consulting/expert witness engagement relate to a civil, criminal or administrative proceeding? Indicate any that apply.

Civil

2. \* Will you be hired by the Government, Plaintiff, or Defendant? Indicate any that apply.

Plaintiff

I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.



3. Enter Plaintiff(s) name:

4. Enter Plaintiff law firm/attorney name:

5. Enter Defendant(s) name:

6. Enter Defendant law firm/attorney name:

7. City/State where the alleged issue occurred or relates to:

8. \* Is the estimated annual compensation \$5,000 or more?

Yes  
 No

9. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?

Yes

No

**10. \* Are you participating in UF research that would affect the disclosed entity (e.g. the entity: sponsors the research, makes a drug or device being evaluated in the study, options or licenses related technology or is otherwise related to the study)?**

Yes

No

**11. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida.**

This activity is consistent of the University of Florida and the University of Florida College of Medicine.

The Mission of the UF COM: "The College of Medicine strives to improve health care in Florida, our nation, and the world through excellence and consistently superior leadership in education, clinical care, discovery, and service."

The UF Mission includes: "Service reflects the University's obligation of its research and knowledge for the public good."

**12. \* Please upload an agreement with the entity to authenticate your responses to the questions in this section. If you do not have a formal agreement, please upload any email, correspondence, or document that serves the same purpose.**

Name

Description



Motion for Injunction,.docx(0.01)

**13. Additional relevant information, if any, that would help clarify this disclosure:**

**14. Attach any additional supporting documentation, if applicable (descriptive emails, letters, etc.):**

Name

Description

There are no items to display

View: SF: Time Commitment

## Disclosure for Jeffrey Goldhagen: Legal Consulting

### Time Commitment

**1. \* Approximately how long do you expect this activity or relationship to last in total?**

2 weeks or less

**2. \* Estimated start date:**

8/13/2021

**3. Estimated end date:**

8/13/2021

**4. \* Approximately how many hours in total do you expect to spend on this activity? (Numerical values only, please)**

5

**5. Explain any additional information to clarify the dates or time commitment involved:**

View: SF: Certification

## Disclosure for Jeffrey Goldhagen: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: \* JG**

Date: Sunday, July 12, 2020 8:23:05 PM

Print

Close

View: SF: What to disclose

**Name:** Teresa Reid 2020 - Amicus Brief Jones v. DeSantis,**Disclosure Type:** Legal Consulting**Status:** Review Complete

University of Florida faculty and staff are required to disclose certain outside activities and financial interests. Activities to be disclosed for review and prior approval include paid or unpaid professional activities (e.g., a consulting relationship with a private company) that you are not doing as part of your UF role and/or job description. Financial interests in entities doing business with UF (buying goods or services, selling goods or services, sponsoring your research, licensing your technology) or competing with UF (research or teaching, for example) must be disclosed. Disclosure of these kinds of activities and/or interests provides the opportunity for discussion and review by appropriate UF officials and the management or elimination of potential conflicts of interest. UF has created [a list of examples](#) to provide further clarification.

Please answer the following questions to determine whether you have an activity and/or interest to disclose:

- 1. \* Do you or your spouse, child or relative have a management position (e.g., officer, director, partner, proprietor), or a material financial interest (more than 5% ownership interest) in an outside entity that enters into agreements or contracts with UF (e.g., service agreements, leases, sales agreements) or does business with UF in any capacity?**  
 Yes  
 No
  
- 2. \* Do you or your spouse or dependent child have a financial interest of \$5,000 or more in a publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? "Financial interest" consists of the aggregate value of any remuneration received from the entity and any equity/ownership interest (including stock, stock option, or other ownership interest) in the entity as of the date of disclosure. [Note: Remuneration includes any payment or compensation for services received from the entity in the twelve months preceding the disclosure. Do not include income or any equity/ownership interest from independently managed investment vehicles like mutual funds or retirement accounts.]**  
 Yes  
 No
  
- 3. \* Do you or your spouse or dependent child receive remuneration of \$5,000 or more from or have ANY equity/ownership interest (including stock, stock option, or other ownership interest) in a non-publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? [Note: Remuneration includes any income or payment for services received from the entity in the twelve months preceding the disclosure.]**  
 Yes  
 No
  
- 4. \* Are you a candidate for public office or do you hold public office?**  
 Yes  
 No

5. \* Do you have or are you seeking approval to hold a teaching appointment with any entity other than UF?
- Yes  
 No
6. \* Do you conduct or are you seeking approval to conduct any research at, or receive any research funding from or through, any entity other than UF? [Note: Research conducted at outside entities as part of a UF sponsored project or research funding received by UF does not need to be disclosed.]
- Yes  
 No
7. \* Do you require or are you seeking approval to require students to purchase works used in your classroom you or your spouse created, authored or co-authored (e.g., textbook(s), computer software, electronic or digital media) and for which you or your spouse will receive, or anticipate receiving payment, loan, subscription, advance, deposit of money, service, or anything of value?
- Yes  
 No
8. \* Do you receive royalties, licensing fees or any income of \$5,000 or more from intellectual property rights and interests (e.g., patents, copyrights) related to your UF expertise from any entity other than UF?
- Yes  
 No
9. \* Do you serve or are you seeking approval to serve as an expert witness or engage in consulting in a legal matter such as a lawsuit or a potential lawsuit?
- Yes  
 No
10. \* Do you provide or are you seeking approval to provide paid or unpaid professional services related to your UF expertise to an outside entity?
- Yes  
 No
11. \* Do you have a paid or unpaid senior management, administrative, or leadership role related to your UF expertise with an outside entity where you make executive business or financial decisions on behalf of the outside entity?
- Yes  
 No

View: SF: Disclosure Entity Information

**Name:** Teresa Reid 2020 - Amicus Brief Jones v. DeSantis,

**Disclosure Type:** Legal Consulting

**Status:** Review Complete

## Disclosure for Teresa Reid: Entity Information

### 1. External entity:

or

If you are unable to find the entity, please enter as text below:

Amicus Brief Jones v. DeSantis,

\* Is the entity publicly traded?

Yes  No

\* Country:

United States

Entity Related Documents:

Name	Description
There are no items to display	

### 2. Entity EIN Tax Number (optional):

### 3. Entity Website URL (optional):

### 4. \* What type of outside activity and/or financial interest do you have or will you have with the outside entity?

Legal Consulting

View: SF: Disclosure Legal Consulting

## Disclosure for Teresa Reid: Legal Consulting

### 1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?

Yes  
 No

### 2. \* Will you be hired by the Plaintiff or Defendant?

Plaintiff

I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.



### 3. Enter Plaintiff(s) name:

### 4. Enter Plaintiff law firm/attorney name:

- 5. Enter Defendant(s) name:
- 6. Enter Defendant law firm/attorney name:
- 7. Start date:
- 8. End date:
- 9. City/State where the alleged issue occurred or relates to:

10. Estimated annual compensation:

11. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?

- Yes
- No

12. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida. Also, include any additional information that helps clarify this disclosure:

Amicus Brief Jones v. DeSantis,

13. Related Documents:

Name	Description
There are no items to display	

View: SF: Time Commitment

## Disclosure for Teresa Reid: Legal Consulting

### Time Commitment

- 1. \* Approximately how long do you expect this activity or relationship to last in total?
- 2. \* Estimated start date:
- 3. Estimated end date:
- 4. \* Approximately how many hours in total do you expect to spend on this activity?

**5. Explain any additional information to clarify the dates or time commitment involved:**

View: SF: Certification

## Disclosure for Teresa Reid: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: TJR**

***After certification, you will be brought to your disclosure workspace. To route your disclosure for review, select the "Submit Disclosure" activity on the left navigation. Your disclosure is not complete until the "Submit Disclosure" activity is executed, and your disclosure changes from the "Pre-Submission".***

Date: Sunday, July 12, 2020 8:23:34 PM

Print

Close

View: SF: What to disclose

**Name:** Mark Fenster 2020 - Jones v. Desantis**Disclosure Type:** Legal Consulting**Status:** Review Complete

University of Florida faculty and staff are required to disclose certain outside activities and financial interests. Activities to be disclosed for review and prior approval include paid or unpaid professional activities (e.g., a consulting relationship with a private company) that you are not doing as part of your UF role and/or job description. Financial interests in entities doing business with UF (buying goods or services, selling goods or services, sponsoring your research, licensing your technology) or competing with UF (research or teaching, for example) must be disclosed. Disclosure of these kinds of activities and/or interests provides the opportunity for discussion and review by appropriate UF officials and the management or elimination of potential conflicts of interest. UF has created [a list of examples](#) to provide further clarification.

Please answer the following questions to determine whether you have an activity and/or interest to disclose:

- 1. \* Do you or your spouse, child or relative have a management position (e.g., officer, director, partner, proprietor), or a material financial interest (more than 5% ownership interest) in an outside entity that enters into agreements or contracts with UF (e.g., service agreements, leases, sales agreements) or does business with UF in any capacity?**  
 Yes  
 No
  
- 2. \* Do you or your spouse or dependent child have a financial interest of \$5,000 or more in a publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? "Financial interest" consists of the aggregate value of any remuneration received from the entity and any equity/ownership interest (including stock, stock option, or other ownership interest) in the entity as of the date of disclosure. [Note: Remuneration includes any payment or compensation for services received from the entity in the twelve months preceding the disclosure. Do not include income or any equity/ownership interest from independently managed investment vehicles like mutual funds or retirement accounts.]**  
 Yes  
 No
  
- 3. \* Do you or your spouse or dependent child receive remuneration of \$5,000 or more from or have ANY equity/ownership interest (including stock, stock option, or other ownership interest) in a non-publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? [Note: Remuneration includes any income or payment for services received from the entity in the twelve months preceding the disclosure.]**  
 Yes  
 No
  
- 4. \* Are you a candidate for public office or do you hold public office?**  
 Yes  
 No

5. \* Do you have or are you seeking approval to hold a teaching appointment with any entity other than UF?
- Yes
- No
6. \* Do you conduct or are you seeking approval to conduct any research at, or receive any research funding from or through, any entity other than UF? [Note: Research conducted at outside entities as part of a UF sponsored project or research funding received by UF does not need to be disclosed.]
- Yes
- No
7. \* Do you require or are you seeking approval to require students to purchase works used in your classroom you or your spouse created, authored or co-authored (e.g., textbook(s), computer software, electronic or digital media) and for which you or your spouse will receive, or anticipate receiving payment, loan, subscription, advance, deposit of money, service, or anything of value?
- Yes
- No
8. \* Do you receive royalties, licensing fees or any income of \$5,000 or more from intellectual property rights and interests (e.g., patents, copyrights) related to your UF expertise from any entity other than UF?
- Yes
- No
9. \* Do you serve or are you seeking approval to serve as an expert witness or engage in consulting in a legal matter such as a lawsuit or a potential lawsuit?
- Yes
- No
10. \* Do you provide or are you seeking approval to provide paid or unpaid professional services related to your UF expertise to an outside entity?
- Yes
- No
11. \* Do you have a paid or unpaid senior management, administrative, or leadership role related to your UF expertise with an outside entity where you make executive business or financial decisions on behalf of the outside entity?
- Yes
- No

View: SF: Disclosure Entity Information

**Name:** Mark Fenster 2020 - Jones v. Desantis

**Disclosure Type:** Legal Consulting

**Status:** Review Complete

## Disclosure for Mark Fenster: Entity Information

### 1. External entity:

or

If you are unable to find the entity, please enter as text below:

Jones v. Desantis

\* Is the entity publicly traded?

Yes  No

\* Country:

United States

Entity Related Documents:

Name	Description
There are no items to display	

### 2. Entity EIN Tax Number (optional):

### 3. Entity Website URL (optional):

### 4. \* What type of outside activity and/or financial interest do you have or will you have with the outside entity?

Legal Consulting

View: SF: Disclosure Legal Consulting

## Disclosure for Mark Fenster: Legal Consulting

### 1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?

Yes  
 No

### 2. \* Will you be hired by the Plaintiff or Defendant?

Plaintiff

I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.



### 3. Enter Plaintiff(s) name:

Jones

### 4. Enter Plaintiff law firm/attorney name:

[amicus brief]

**5. Enter Defendant(s) name:**

Desantis

**6. Enter Defendant law firm/attorney name:**

**7. Start date:**

7/10/2020

**8. End date:**

7/14/2020

**9. City/State where the alleged issue occurred or relates to:**

Florida

**10. Estimated annual compensation:**

\$0â€“\$4,999

**11. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?**

Yes

No

**12. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida. Also, include any additional information that helps clarify this disclosure:**

The suit challenges the Florida legislature's enactment setting the payment of all court and other fees for former felons prior to the restoration of their voting rights. It opposes the Florida legislature's actions, and the Governor's implementation of the statute, but it doesn't in any way conflict with the specific interests of the University of Florida. My only role, after reviewing the brief, would be to sign it. (I will not sign it before reading it, and I have not yet seen the current draft.)

**13. Related Documents:**

Name	Description
There are no items to display	

View: SF: Time Commitment

# Disclosure for Mark Fenster: Legal Consulting

## Time Commitment

**1. \* Approximately how long do you expect this activity or relationship to last in total?**

2. \* Estimated start date:

3. Estimated end date:

4. \* Approximately how many hours in total do you expect to spend on this activity?

5. Explain any additional information to clarify the dates or time commitment involved:

View: SF: Certification

## Disclosure for Mark Fenster: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: MF**

***After certification, you will be brought to your disclosure workspace. To route your disclosure for review, select the "Submit Disclosure" activity on the left navigation. Your disclosure is not complete until the "Submit Disclosure" activity is executed, and your disclosure changes from the "Pre-Submission".***



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(352) 294-6353

Date: Thursday, August 12, 2021 4:14:48 PM

Print Close

View: SF: Disclosure Type

ID: DOI00017218

Name: Jeffrey Goldhagen 2021 - Gallagher & Associates Law Firm, P.A

Disclosure Type: Legal Consulting

Status: Disapproved

Department: 30090000 JX-PEDIATRICS-JACKSONVILLE

Disclosure Submitted Date/Time: Aug 11, 2021 08:30am

Level 2 Review: Disapproved on Aug 12, 2021 4:14pm

## Disclosure for Jeffrey Goldhagen: Disclosure Type

\* Please select the type of outside activity or interest you have to disclose. If you have multiple disclosures to enter, you will disclose one at a time (e.g., consulting for one outside entity and a leadership role with a different outside entity). If none of these activities or interests apply to you, select that option at the bottom of the list.

Legal Consulting

View: SF: Disclosure Entity Information

## Disclosure for Jeffrey Goldhagen: Entity Information

### 1. External entity:

or

If entity not listed, enter a single/specific entity name here:

Gallagher & Associates Law Firm, P.A

\* Is the entity publicly traded?

- Yes
- No

\* Country:

United States

### Entity-related documents:

Name	Description
There are no items to display	

### 2. Entity EIN tax number (optional):

### 3. Entity website URL (optional):



View: SF: Disclosure Legal Consulting

## Disclosure for Jeffrey Goldhagen: Legal Consulting

1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?

Yes  
 No

- \* Does this legal consulting/expert witness engagement relate to a civil, criminal or administrative proceeding? Indicate any that apply.

Civil

2. \* Will you be hired by the Government, Plaintiff, or Defendant? Indicate any that apply.

Plaintiff

I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.



3. Enter Plaintiff(s) name:

4. Enter Plaintiff law firm/attorney name:

5. Enter Defendant(s) name:

6. Enter Defendant law firm/attorney name:

7. City/State where the alleged issue occurred or relates to:

8. \* Is the estimated annual compensation \$5,000 or more?

Yes  
 No

9. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?

Yes

No

**10. \* Are you participating in UF research that would affect the disclosed entity (e.g. the entity: sponsors the research, makes a drug or device being evaluated in the study, options or licenses related technology or is otherwise related to the study)?**

Yes

No

**11. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida.**

This activity is consistent with the mission of the University of Florida and University of Florida College of Medicine:

The College of Medicine strives to improve health care in Florida, our nation, and the world through excellence and consistently superior leadership in education, clinical care, discovery, and service.

The University of Florida's mission includes:

Service reflects the university's obligation to share the benefits of its research and knowledge for the public good.

**12. \* Please upload an agreement with the entity to authenticate your responses to the questions in this section. If you do not have a formal agreement, please upload any email, correspondence, or document that serves the same purpose.**

Name	Description
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	080921 (efiled) Plifs' NOH on Emergency MT for Injunctive Relief (8-13-21)(McCarthy-DeSantis).pdf(0.01)
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**13. Additional relevant information, if any, that would help clarify this disclosure:**

**14. Attach any additional supporting documentation, if applicable (descriptive emails, letters, etc.):**

Name	Description
------	-------------

There are no items to display

View: SF: Time Commitment

## Disclosure for Jeffrey Goldhagen: Legal Consulting

### Time Commitment

**1. \* Approximately how long do you expect this activity or relationship to last in total?**

2 weeks or less

**2. \* Estimated start date:**

8/13/2021

**3. Estimated end date:**

8/13/2021

**4. \* Approximately how many hours in total do you expect to spend on this activity? (Numerical values only, please)**

5

**5. Explain any additional information to clarify the dates or time commitment involved:**

View: SF: Certification

## Disclosure for Jeffrey Goldhagen: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: \* jg**



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Ufolio-Help@ufl.edu  
(352) 294-6353

Date: Friday, October 1, 2021 12:08:52 PM

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View: SF: Disclosure Type

ID: DOI00019537

Name: Jeffrey Goldhagen 2021 - Duval County School Board/ City of Jacksonville

Disclosure Type: Legal Consulting

Status: Disapproved

Department: 30090000 JX-PEDIATRICS-JACKSONVILLE

Disclosure Submitted Date/Time: Sep 27, 2021 10:39am

Level 1 Review: Approved on Sep 27, 2021 10:47am

Level 2 Review: Disapproved on Oct 01, 2021 12:08pm

## Disclosure for Jeffrey Goldhagen: Disclosure Type

\* Please select the type of outside activity or interest you have to disclose. If you have multiple disclosures to enter, you will disclose one at a time (e.g., consulting for one outside entity and a leadership role with a different outside entity). If none of these activities or interests apply to you, select that option at the bottom of the list.

Legal Consulting

View: SF: Disclosure Entity Information

## Disclosure for Jeffrey Goldhagen: Entity Information

### 1. External entity:

or

If entity not listed, enter a single/specific entity name here:

Duval County School Board/ City of Jacksonville

\* Is the entity publicly traded?

Yes

No

\* Country:

United States

### Entity-related documents:

Name Description

There are no items to display

### 2. Entity EIN tax number (optional):



**3. Entity website URL (optional):**

View: SF: Disclosure Legal Consulting

## Disclosure for Jeffrey Goldhagen: Legal Consulting

**1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?** Yes No**\* Does this legal consulting/expert witness engagement relate to a civil, criminal or administrative proceeding? Indicate any that apply.**

Administrative proceeding

**2. \* Will you be hired by the Government, Plaintiff, or Defendant? Indicate any that apply.**

Government

I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.

**3. Enter Plaintiff(s) name:**

Kyle and Taran Helm

**4. Enter Plaintiff law firm/attorney name:**

Gregory Anderson

**5. Enter Defendant(s) name:**

Duval County School Board

**6. Enter Defendant law firm/attorney name:**

Office of the General Counsel, City of Jacksonville

**7. City/State where the alleged issue occurred or relates to:**

Jacksonville, FL

**8. \* Is the estimated annual compensation \$5,000 or more?** Yes No

**\* What is the amount of estimated annual compensation?**

\$0.00

**9. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?**

- Yes
- No

**10. \* Are you participating in UF research that would affect the disclosed entity (e.g. the entity: sponsors the research, makes a drug or device being evaluated in the study, options or licenses related technology or is otherwise related to the study)?**

- Yes
- No

**11. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida.**

No

**12. \* Please upload an agreement with the entity to authenticate your responses to the questions in this section. If you do not have a formal agreement, please upload any email, correspondence, or document that serves the same purpose.**

Name	Description
------	-------------

 Dr.docx(0.01)	
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**13. Additional relevant information, if any, that would help clarify this disclosure:**

Duval County School Board (City of Jacksonville) as defendant, plaintiffs requesting an injunction on mask mandate passed by the School Board.

**14. Attach any additional supporting documentation, if applicable (descriptive emails, letters, etc.):**

Name	Description
------	-------------

There are no items to display

View: SF: Time Commitment

## Disclosure for Jeffrey Goldhagen: Legal Consulting

### Time Commitment

**1. \* Approximately how long do you expect this activity or relationship to last in total?**

3 to 6 weeks

**2. \* Estimated start date:**

10/4/2021

**3. Estimated end date:**

10/25/2021

**4.**

**\*Approximately how many hours per week do you expect to spend on this activity?(Numerical values only, please)**

5

**5. Explain any additional information to clarify the dates or time commitment involved:**

View: SF: Certification

## Disclosure for Jeffrey Goldhagen: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: \* JG**

Date: Sunday, July 12, 2020 8:23:18 PM

Print

Close

View: SF: What to disclose

**Name:** Sarah Wolking 2020 - I'd like to join an amicus brief with law professors in Jones v. DeSantis (410 F. Supp. 3d 1284). This is the consolidated case in which the district court allowed former FL felons to vote under Amendment 4.

**Disclosure Type:** Legal Consulting

**Status:** Review Complete

University of Florida faculty and staff are required to disclose certain outside activities and financial interests. Activities to be disclosed for review and prior approval include paid or unpaid professional activities (e.g., a consulting relationship with a private company) that you are not doing as part of your UF role and/or job description. Financial interests in entities doing business with UF (buying goods or services, selling goods or services, sponsoring your research, licensing your technology) or competing with UF (research or teaching, for example) must be disclosed. Disclosure of these kinds of activities and/or interests provides the opportunity for discussion and review by appropriate UF officials and the management or elimination of potential conflicts of interest. UF has created [a list of examples](#) to provide further clarification.

Please answer the following questions to determine whether you have an activity and/or interest to disclose:

- 1. \* Do you or your spouse, child or relative have a management position (e.g., officer, director, partner, proprietor), or a material financial interest (more than 5% ownership interest) in an outside entity that enters into agreements or contracts with UF (e.g., service agreements, leases, sales agreements) or does business with UF in any capacity?**

Yes

No
- 2. \* Do you or your spouse or dependent child have a financial interest of \$5,000 or more in a publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? "Financial interest" consists of the aggregate value of any remuneration received from the entity and any equity/ownership interest (including stock, stock option, or other ownership interest) in the entity as of the date of disclosure. [Note: Remuneration includes any payment or compensation for services received from the entity in the twelve months preceding the disclosure. Do not include income or any equity/ownership interest from independently managed investment vehicles like mutual funds or retirement accounts.]**

Yes

No
- 3. \* Do you or your spouse or dependent child receive remuneration of \$5,000 or more from or have ANY equity/ownership interest (including stock, stock option, or other ownership interest) in a non-publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? [Note: Remuneration includes any income or payment for services received from the entity in the twelve months preceding the disclosure.]**

Yes

No
- 4. \* Are you a candidate for public office or do you hold public office?**

Yes

No

**5. \* Do you have or are you seeking approval to hold a teaching appointment with any entity other than UF?**

Yes

No

**6. \* Do you conduct or are you seeking approval to conduct any research at, or receive any research funding from or through, any entity other than UF? [Note: Research conducted at outside entities as part of a UF sponsored project or research funding received by UF does not need to be disclosed.]**

Yes

No

**7. \* Do you require or are you seeking approval to require students to purchase works used in your classroom you or your spouse created, authored or co-authored (e.g., textbook(s), computer software, electronic or digital media) and for which you or your spouse will receive, or anticipate receiving payment, loan, subscription, advance, deposit of money, service, or anything of value?**

Yes

No

**8. \* Do you receive royalties, licensing fees or any income of \$5,000 or more from intellectual property rights and interests (e.g., patents, copyrights) related to your UF expertise from any entity other than UF?**

Yes

No

**9. \* Do you serve or are you seeking approval to serve as an expert witness or engage in consulting in a legal matter such as a lawsuit or a potential lawsuit?**

Yes

No

**10. \* Do you provide or are you seeking approval to provide paid or unpaid professional services related to your UF expertise to an outside entity?**

Yes

No

**11. \* Do you have a paid or unpaid senior management, administrative, or leadership role related to your UF expertise with an outside entity where you make executive business or financial decisions on behalf of the outside entity?**

Yes

No

View: SF: Disclosure Entity Information

**Name:** Sarah Wolking 2020 - I'd like to join an amicus brief with law professors in Jones v. DeSantis (410 F. Supp. 3d 1284). This is the consolidated case in which the district court

<https://ufolio.compliance.ufl.edu/DOI/sd/Doc/0/0UAT5564JS8UKDC4EERPCLIG00/Document.html>

FL-UF-21-1634-A-000282

allowed former FL felons to vote under Amendment 4.

**Disclosure Type:** Legal Consulting

**Status:** Review Complete

## Disclosure for Sarah Wolking: Entity Information

### 1. External entity:

or

**If you are unable to find the entity, please enter as text below:**

I'd like to join an amicus brief with law professors in Jones v. DeSantis (410 F. Supp. 3d 1284). This is the consolidated case in which the district court allowed former FL felons to vote under Amendment 4.

**\* Is the entity publicly traded?**

Yes  No

**\* Country:**

United States

**Entity Related Documents:**

Name	Description
------	-------------

There are no items to display

### 2. Entity EIN Tax Number (optional):

### 3. Entity Website URL (optional):

### 4. \* What type of outside activity and/or financial interest do you have or will you have with the outside entity?

Legal Consulting

View: SF: Disclosure Legal Consulting

## Disclosure for Sarah Wolking: Legal Consulting

### 1. \* Does this legal consulting/expert witness engagement relate to medical malpractice or any healthcare-related matter?

Yes

No

### 2. \* Will you be hired by the Plaintiff or Defendant?

Plaintiff

**I affirm that the attorney with whom I will be working understands that my engagement in this activity is in my capacity as a private citizen and not as an employee of the University of Florida.**



**3. Enter Plaintiff(s) name:**

Kelvin Leon Jones

**4. Enter Plaintiff law firm/attorney name:**

N/A

**5. Enter Defendant(s) name:**

Ron DeSantis et al

**6. Enter Defendant law firm/attorney name:**

N/A

**7. Start date:**

7/13/2020

**8. End date:**

8/31/2020

**9. City/State where the alleged issue occurred or relates to:**

N/A

**10. Estimated annual compensation:**

\$0â€“\$4,999

**11. \* Will UF equipment, facilities, services, resources be used (on a more than incidental basis), or will staff and/or students be involved in this activity or financial interest?** Yes No**12. \* Please explain whether you think this activity/case could in any way place you in a position that is adverse to the interests of the University of Florida. Also, include any additional information that helps clarify this disclosure:**

I seek to join an amicus brief on behalf of law professors with expertise in constitutional law, voting rights law, civil rights law, or criminal procedure in the Jones v. DeSantis case. This is the consolidated case in which the district court allowed former Florida felons to vote under the policy established by constitutional initiative (Amendment 4). The ruling is on appeal to the 11th Circuit.

The brief I would like to sign will be in support of Judge Hinkleâ€™s order ruling that the state statute restricting the registration of ex-felons was unconstitutional. The order opens the door for ex-felons to register in accordance with a constitutional amendment passed by Florida voters in 2018. The brief is being drafted pro bono by lawyers from Boies Schiller Flexner and Pillsbury Winthrop Shaw Pittman, together with the Boies Public Law Institute. I do not think this activity could in any way place me in a position that is adverse to the interests of the University of Florida.

### 13. Related Documents:

Name	Description
------	-------------

There are no items to display

View: SF: Time Commitment

## Disclosure for Sarah Wolking: Legal Consulting

### Time Commitment

1. \* Approximately how long do you expect this activity or relationship to last in total?
2. \* Estimated start date:
3. Estimated end date:
4. \* Approximately how many hours in total do you expect to spend on this activity?
5. Explain any additional information to clarify the dates or time commitment involved:

View: SF: Certification

## Disclosure for Sarah Wolking: Certification

My initials on this completed electronic disclosure affirm and certify an understanding of and compliance with UF's policies on conflicts of interest, outside activities, and financial interests as well as the completeness and accuracy of my responses in this disclosure.

**I will keep my disclosures up-to-date and accurate, and I confirm I understand and agree with the above statements. Enter initials here: SHW**

***After certification, you will be brought to your disclosure workspace. To route your disclosure for review, select the "Submit Disclosure" activity on the left navigation. Your disclosure is not complete until the "Submit Disclosure" activity is executed, and your disclosure changes from the "Pre-Submission".***

**From:** Hines,John  
**Sent time:** 11/04/2021 03:53:51 PM  
**To:** Power,Brian J <brian.power@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** RE: Public Records Request: W009914-110321

---

Thanks again Brian

John

---

**From:** Power,Brian J <brian.power@ufl.edu>  
**Sent:** Thursday, November 4, 2021 3:53 PM  
**To:** Hines,John <jkhines@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Wood,Barbara L <blwood@ufl.edu>; Quillen,Amy <abquillen@ufl.edu>; Mccollough,Mary A <maryash@ufl.edu>  
**Subject:** RE: Public Records Request: W009914-110321

Attached the relevant disclosures from our UFOLIO system.

Thanks,  
Brian

**Brian J. Power, J.D.**  
Director, Conflicts of Interest  
[Conflicts of Interest Program](#)  
Accountability | Integrity | Transparency | Consistency  
Office of the Provost  
University of Florida

Phone: 352-294-6355  
Email: [Brian.Power@ufl.edu](mailto:Brian.Power@ufl.edu)

PO Box 112800, Gainesville, 32601

*Confidentiality Notice: This e-mail message and any attachments are for the sole use of the individual(s) or entity(ies) to whom it is addressed and may contain confidential and privileged information. If you are the intended recipient, further disclosures are prohibited without proper authorization. If you are not the intended recipient, any disclosure, copying, printing or use of this information is strictly prohibited and possibly a violation of law and regulations. If you have received this information in error, please notify the sender immediately. Thank you.*

---

**From:** Hines,John <[jkhines@ufl.edu](mailto:jkhines@ufl.edu)>  
**Sent:** Wednesday, November 3, 2021 4:23 PM  
**To:** Wimsett, Gary <[gwimsett@ufl.edu](mailto:gwimsett@ufl.edu)>; Power,Brian J <[brian.power@ufl.edu](mailto:brian.power@ufl.edu)>; Richardson,David E <[der@ufl.edu](mailto:der@ufl.edu)>  
**Cc:** Wood,Barbara L <[blwood@ufl.edu](mailto:blwood@ufl.edu)>; Quillen,Amy <[abquillen@ufl.edu](mailto:abquillen@ufl.edu)>; Mccollough,Mary A <[maryash@ufl.edu](mailto:maryash@ufl.edu)>  
**Subject:** Public Records Request: W009914-110321

David/Gary/Brian:

Please see below for the public records request and determine if you have responsive records. As a reminder, only existing public records should be provided. The Florida Public Record laws do not require the university to create new records in response to a request.

The person is seeking:

“7. All Public Records dated from May 1, 2020 to October 1, 2020 relating in any way to actual or prospective participation by Professors Kenneth Nunn, Sarah Wolking, Teresa Jean Reid, and/or Mark Fenster in litigation challenging voting restrictions for persons with felony convictions in the State of Florida, including but not limited to the case captioned Jones v. DeSantis, Case No. 4:19-cv-00300 (N.D. Fla.) and 20-12003 (11th Cir.).

8. All Public Records reflecting actual or prospective testimony by Dr. Jeffrey Goldhagen in litigation concerning mask mandates in Florida schools.”

--They are seeking the outside activity forms for the people mentioned above.

\*\*BEFORE YOUR DEPARTMENT OR THE DEPARTMENT WITH THE RESPONSIVE RECORDS COPIES OR SENDS ANY RECORDS TO THE OFFICE OF THE GENERAL COUNSEL FOR ATTORNEY REVIEW, PLEASE PROVIDE BARBARA WOOD IN THE GENERAL COUNSEL'S OFFICE AT [BLWOOD@UFL.EDU](mailto:BLWOOD@UFL.EDU) WITH A PAGE COUNT. PLEASE MAKE SURE TO INCLUDE THE TRACKING NUMBER IN THE SUBJECT LINE OF THE EMAIL. DO NOT SEND THE RECORDS UNTIL YOU ARE REQUESTED TO AFTER PROVIDING THE PAGE COUNT! WHEN RECORDS ARE REQUESTED BY THE GENERAL COUNSEL'S OFFICE, THE PREFERRED FORMAT IS PDF FOR USE WITH THE REDACTION

SOFTWARE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US.\*\*

We will then determine if it is necessary to prepare an invoice and collect the funds in advance from the requester before any work is done by the department collecting the records.

Once you are asked to provide the records, please provide the records in electronic form unless asked otherwise. If you have any concerns or questions, please let me know.

Sincerely,  
John Hines  
(352) 392-1358  
[jkhines@ufl.edu](mailto:jkhines@ufl.edu)

**From:** Lindner,Angela S  
**Sent time:** 11/04/2021 06:57:44 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Comments on UF McNair Twitter Post

---

Just FYI. Samesha removed the comment but was shaken by this one who seems to just be trolling.

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---

**From:** Lindner,Angela S <alindner@aa.ufl.edu>  
**Sent:** Thursday, November 4, 2021 6:55 PM  
**To:** Barnes, Samesha R.  
**Cc:** Vinson,Ronda M; Villegas,Iliana G; Lucas,Johanna C -Work  
**Subject:** Re: Comments on UF McNair Twitter Post

Thanks for alerting me to this, Samesha. Sadly, we are a lightning rod on this. I have not heard of any planned protests. The President, Provost, and Faculty Senate are moving swiftly to create task forces to evaluate the current policy on outside work, especially expert witnessing against the state. Students worried about losing accreditation can be reassured this is highly unlikely, and UF is responding quickly to the questions from SACSCOC.

I think you did well in removing the post after saving it. Thank you for your leadership.

Take care,  
Angela

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---

**From:** Barnes, Samesha R. <sbarnes@aa.ufl.edu>  
**Sent:** Thursday, November 4, 2021 3:24:48 PM  
**To:** Lindner,Angela S <alindner@aa.ufl.edu>  
**Cc:** Vinson,Ronda M <vinson@ufl.edu>; Villegas,Iliana G <ivillegas@aa.ufl.edu>; Lucas,Johanna C -Work <johannalucas-undp@ad.ufl.edu>  
**Subject:** Comments on UF McNair Twitter Post

Hi Angela,

I hope you're doing well. I'm still in St. Pete attending the SAEOPP Program Design Institute for TRIO programs, which has been extremely helpful and informative as we prepare for the next McNair grant competition. Some of the sessions are combined for all programs, so I'm sure that Michael has received a lot of valuable information as well for Upward Bound.

I am sharing a Twitter post (link below) from the McNair page that caught me off guard this afternoon. As we are preparing for our open house on Monday, our graduate student assistant did a social media blast on Twitter and Instagram this morning as a reminder for the event. I was surprised to see that someone commented on our Twitter post regarding the very public situation with the UF faculty members who were denied the ability to provide testimony as expert witnesses. I plan to delete the comment, but I wanted to share it and document it before I remove it. I'm just hoping that this doesn't put a damper on what is meant to be a positive event about a great opportunity for students.

<https://twitter.com/UFTRIOMcNair/status/1456290777219284993?t=vyvQI4LeGUW4yEAKCuxXhA&s=09>

I just wanted to keep you in the loop on this. If you have any other guidance on how we should handle this besides deleting the comment, please let me know.

Thanks,  
Samesha

**Samesha R. Barnes Ivey, Ph.D.**

Director and Lecturer, Ronald E. McNair Scholars Program  
Undergraduate Affairs  
University of Florida  
316 Infirmary Building  
PO Box 113280  
Gainesville, FL 32611-3280  
Office: (352) 846-2575  
Fax: (352) 846-2581  
Email: [sbarnes@aa.ufl.edu](mailto:sbarnes@aa.ufl.edu)  
Web: [mcnair.aa.ufl.edu](http://mcnair.aa.ufl.edu)

FL-UF-21-1634-A-000288



**From:** Glover,Joseph  
**Sent time:** 11/04/2021 07:27:16 PM  
**To:** Lindner,Angela S <alindner@aa.ufl.edu>  
**Subject:** Re: Comments on UF McNair Twitter Post

---

There are no filters on anyone's speech anymore. Sad.

On Nov 4, 2021, at 6:57 PM, Lindner,Angela S <alindner@aa.ufl.edu> wrote:

-257 ?

Just FYI. Samesha removed the comment but was shaken by this one who seems to just be trolling.

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---

**From:** Lindner,Angela S <alindner@aa.ufl.edu>  
**Sent:** Thursday, November 4, 2021 6:55 PM  
**To:** Barnes, Samesha R.  
**Cc:** Vinson,Ronda M; Villegas,Iliana G; Lucas,Johanna C -Work  
**Subject:** Re: Comments on UF McNair Twitter Post

Thanks for alerting me to this, Samesha. Sadly, we are a lightning rod on this. I have not heard of any planned protests. The President, Provost, and Faculty Senate are moving swiftly to create task forces to evaluate the current policy on outside work, especially expert witnessing against the state. Students worried about losing accreditation can be reassured this is highly unlikely, and UF is responding quickly to the questions from SACSCOC.

I think you did well in removing the post after saving it. Thank you for your leadership.

Take care,  
Angela

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---

**From:** Barnes, Samesha R. <sbarnes@aa.ufl.edu>  
**Sent:** Thursday, November 4, 2021 3:24:48 PM  
**To:** Lindner,Angela S <alindner@aa.ufl.edu>  
**Cc:** Vinson,Ronda M <vinson@ufl.edu>; Villegas,Iliana G <ivillegas@aa.ufl.edu>; Lucas,Johanna C -Work <johannalucas-undp@ad.ufl.edu>  
**Subject:** Comments on UF McNair Twitter Post

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<https://twitter.com/UFTRIOMcNair/status/1456290777219284993?t=vyvQI4LeGUW4yEAKCuxXhA&s=09>

I just wanted to keep you in the loop on this. If you have any other guidance on how we should handle this besides deleting the comment, please let me know.

Thanks,  
Samesha

Undergraduate Affairs  
University of Florida  
316 Infirmary Building  
PO Box 113280  
Gainesville, FL 32611-3280  
Office: (352) 846-2575  
Fax: (352) 846-2581  
Email: [sbarnes@aa.ufl.edu](mailto:sbarnes@aa.ufl.edu)  
Web: [mcnair.aa.ufl.edu](http://mcnair.aa.ufl.edu)

**From:** [REDACTED]  
**Sent time:** 11/04/2021 10:24:23 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** Re: Message for UF community from President Fuchs and Provost Glover

---

Dr. Fuchs, Dr. Glover,

I just wanted to share the perspective of one of your many grad students in response to your recent message about the media's coverage of your faculties' First Amendment rights. Sadly, I note that it was the national media coverage that prompted you to write this letter, not the issue itself. To be frank, this episode is deeply embarrassing and seriously undermines the value of a degree from this institution. Between this most recent episode and the University's dangerously hamfisted handling of the COVID pandemic, when I survey other institutions around the U.S., I honestly do not feel that we deserve Top 5 status. What do these two instances have in common? Leadership that is more invested in our Governor's political ambitions than doing what is right or speaking the truth.

As a Gainesville resident, I sometimes hear from locals who have criticisms of UF's relationship with the community in which it resides. "What can be done?" they ask. Sadly, not much, in my opinion. UF's leadership is in the thrall of its Board of Trustees, who in turn only seems concerned with towing the Governor's line, at least on issues of true import. I'm very sorry that you all have decided that your interests and that of the State are one and the same. Others have done that before you, and history has not judged them kindly.

I don't envy you in the job that you do. Despite your profligate publicly-funded pay and benefits package, I honestly do not think that I could occupy a position such as yours and maintain my integrity. This letter and the awkward dance that you've chosen to do around so-called intellectual freedom is a great example, but only one of many.

My condolences,  
[REDACTED]

---

**From:** University of Florida - Do Not Reply <do-not-reply-crm@ufl.edu>  
**Sent:** Monday, November 1, 2021 8:22 PM  
**To:** [REDACTED]  
**Subject:** Message for UF community from President Fuchs and Provost Glover

To view this email as a web page, go [here](#).

Dear campus community,

There have been news reports over the weekend indicating the University of Florida violated the First Amendment rights of three faculty members by denying their requests to testify in exchange for payment in a lawsuit over the state of Florida's new election laws.

First, we would like to be abundantly clear that the University of Florida stands firmly behind its commitment to uphold our most sacred right as Americans — the right to free speech — and to faculty members' right to academic freedom. Nothing is more fundamental to our existence as an institution of higher learning than these two bedrock principles. Vigorous intellectual discussions are at the heart of the marketplace of ideas we celebrate and hold so dear.

Second, we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity. While the existing policy was revised just last year, it is critical to ensure the policy advances the university's interests while protecting academic freedom.

Finally, as has already been reported by some news organizations, if the professors wish to testify pro bono on their own time without using university resources, they are free to do so.

Kent Fuchs, President  
Joe Glover, Provost

This email was sent by: University of Florida, Strategic Communications and Marketing  
PO Box 112099, Gainesville, Florida, 32611 United States

**From:** coi-se-UFOLIO  
**Sent time:** 11/05/2021 01:40:38 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>; Power, Brian J <brian.power@ufl.edu>  
**Subject:** FW: Are all professors now allowed to testify?

---

fyi

---

**From:** Matt Shuham <mshuham@talkingpointsmemo.com>  
**Sent:** Friday, November 5, 2021 1:30 PM  
**To:** Fernandez, Hessa <hesselin.fernand@ufl.edu>; Alisson Clark <alissonc@ufl.edu>; Steve Orlando <sfo@UFL.EDU>; coi-se-UFOLIO <ufolio-help@ufl.edu>  
**Subject:** Are all professors now allowed to testify?

[External Email]

Hello,

TPM is reporting on [the news](#) that professor Michael McDonald has been allowed to testify as an outside expert witness.

But does this change apply to [all professors](#) in similar circumstances? And why did the university change course?

You can reach me by email or at 646-397-4678. Thank you very much,

Matt Shuham  
Reporter, Talking Points Memo  
[mshuham@talkingpointsmemo.com](mailto:mshuham@talkingpointsmemo.com)  
[mattshuham@protonmail.com](mailto:mattshuham@protonmail.com)  
646-738-4485 (office) / 646-397-4678 (cell, Signal)

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/05/2021 02:29:40 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021054 UFOLIO Ancillary Review Submitted

---

# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021054  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Yeslow & Koepfel, PA  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/05/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.

2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/05/2021 02:31:19 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020651 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020651  
**Discloser:** Paul Mongan  
**Department:** JX-ANESTHESIOLOGY-JAX  
**Entity:** ESTES, INGRAM, FOELS & GIBBS, P.A. ATTORNEYS AT LAW  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/05/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/05/2021 02:33:52 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020660 UFOLIO Ancillary Review Submitted

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# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020660  
**Discloser:** Paul Mongan  
**Department:** JX-ANESTHESIOLOGY-JAX  
**Entity:** Mateer Harbert Attorneys At Law Location: 225 E Robinson St, Ste 600 | Orlando, FL 32801  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/05/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: In accord with the HSC Expert Witness Policy, please be advised another faculty member has requested and been granted approval to be engaged as an expert witness in this suit. In your consideration of this outside employment opportunity, you may wish to confer with your prospective employer to determine the potential that you and your UF colleague may be asked to provide conflicting testimony. In general, a faculty member or other employee is free to evaluate the case on its own merits in determining whether he or she will seek permission for outside employment as an expert witness even though another faculty member or other employee has already agreed to serve in that role for either party to the lawsuit.

Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.med.ufl.edu> ). Before undertaking expert medical reviews you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

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If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

FL-UF-21-1634-A-000296

Click [here](#) to access the disclosure.

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**From:** Rosenbury,Laura Ann  
**Sent time:** 11/05/2021 07:09:02 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Some thoughts on COI - Policies at other universities where I've worked

---

FYI

Laura Ann Rosenbury  
Dean, UF Levin College of Law

Begin forwarded message:

**From:** "Evans, Barbara J" <evans@law.ufl.edu>  
**Date:** November 5, 2021 at 6:59:06 PM EDT  
**To:** "Rosenbury,Laura Ann" <rosenbury@law.ufl.edu>  
**Subject: Re: Some thoughts on COI - Policies at other universities where I've worked**

-257 ?

Yes, share if you feel it would be useful. I've really had to do a lot of COI disclosing over the years because of the little NIH and NSF honoraria that lawyers tend to be paid with.

---

**From:** Rosenbury,Laura Ann <rosenbury@law.ufl.edu>  
**Sent:** Friday, November 5, 2021 6:57 PM  
**To:** Evans, Barbara J <evans@law.ufl.edu>  
**Subject:** Re: Some thoughts on COI - Policies at other universities where I've worked

This is amazing! May I share this with the provost?

Laura Ann Rosenbury  
Dean, UF Levin College of Law

On Nov 5, 2021, at 6:43 PM, Evans, Barbara J <evans@law.ufl.edu> wrote:

-257 ?

Dean, I'm glad you are involved in the COI Task Force although I'm sure you had enough on your platter without that. I agree with what you said in the faculty meeting, that it is important.

Even though I haven't been here long, I've had quite a lot of interaction with the COI Department because there is a legal requirement to disclose conflicts if you receive any NIH or NSF funding. I've interacted with the COI departments at three universities (UF, University of Houston, and Indiana University since 2004).

I wouldn't want this to be repeated as a criticism, but my impression is that the people processing COI disclosures at UF may be a little inexperienced, although they are diligent employees who try to do the right thing. Perhaps it is a training issue or question of experience. Right now, the responses you get when you submit a disclosure seem a little uneven, depending on who reviews the specific disclosure you make. If you get a less experienced person, they can be unduly cautious and sort of lose the plot of what COI disclosures are for and what the First Amendment and other boundaries are. When people feel unsure, they sometimes get too cautious: it's easier to say "no" when you are unsure, than to say "yes." That can cause embarrassments like the one that just happened.

Examples from recent experience: I regularly serve on ethics advisory committees or legal working groups for science- and medicine-based grants at other universities. **FLD-21-1634-A-000298**

common type of inter-university service activity that legal and bioethics scholars regularly do for colleagues at sister institutions. Then, they will reciprocate when we need to build an advisory panel for one of our own grants. The NIH or NSF gives you a small honorarium for such service, which counts as a "consulting payment" that you need to declare to your COI department.

1. Sometimes, I've had disclosures of those payments sail through, which is what they are supposed to do. Taking money from the NIH or NSF is not a "conflict" because the NIH and NSF are the ones requiring us to disclose conflicts, and they consider their own money to be spotless and non-conflicting.
2. On another occasion, I had one of those disclosures sort of hang up. It eventually got approved but with a lot of dire warnings that I must make sure that the activity did not conflict with my duties at UF. That's ridiculous: It benefits UF for us to do this sort of service to win "brownie points" that you can make colleagues at other universities return when UF researchers need to constitute an external ethics review body for our own UF projects.
3. When I first came here, something strange happened: I disclosed that I have significant holdings of oil company equities and royalty interests that I inherited from my late parents, but that I considered those holdings non-conflicting since I work in health-related biotech and don't do any environmental or energy work. Every other university I've ever worked for wanted significant equity holdings in specific corporations to be disclosed, even when the holdings probably aren't conflicting. I was surprised that UF's COI department bounced that back to me and said they were removing it from the COI disclosure system because it was irrelevant. Naturally, I appreciated that, because Florida sunshine laws make all that stuff public, and I'd rather not announce it to the world. But, still, it seemed weird that they didn't see it as something worth disclosing, when every other university and entities like the National Academies of Science, Engineering, and Medicine make you disclose that stuff when you work on one of their studies.
4. On the issue of testifying: I don't do expert witnessing in courts, but I regularly am called to testify in regulatory agency proceedings and sometimes in meetings on biotech policy issues at the White House or with Congressional Staffers and other forums like that. Also, I regularly file comments in A.P.A. notice-and-comment rulemaking proceedings that are within my legal expertise.

At other state universities where I've worked, it was standard guidance that when you make appearances of that sort, the first thing you must say (or put on your slides if you are using Powerpoints, or in your written comments), is that you are commenting in your individual capacity rather than as a representative of your institution or of the State that employs you. You always say that right up front. After you say that, you become an individual citizen exercising your First Amendment rights. But if you don't make that disclosure, you need to have your remarks vetted and approved in advance by the regulatory/legislative affairs people at your university and can be sanctioned if you do not do so. We all curtail our First Amendment rights a bit when we accept employment in an organization, but we are free to say whatever we want when clearly acting outside our scope of employment and making that fact clear to our audience or readers.

At other universities where I worked, they made all faculty members do a short video training session every single year, reminding us to say that when we testified or gave a speech or did anything that was not strictly part of our duties at the university. I can't recall having had that sort of training after I came to UF (maybe I did; I just don't remember. I'm sure I did not have a refresher training this year).

5. A very important point that needs to be reflected in our COI policy: Even when you make clear that you are not speaking on behalf of your institution, you still should be able to mention your institutional affiliation *for purposes of identification only*. Thus, you can put on your first Powerpoint slide or introduce yourself by saying, "I am Barbara Evans and I work for the University of Florida" (to distinguish yourself from the other Barbara Evans who is an elderly academic obstetrician at University of Missouri - there really is one!). But you have to immediately follow that by saying, "but I am commenting today in my individual capacity rather than on behalf of my institution or the State of Florida which employs

me."

6. It is standard policy at every state university where I've worked that you can't use university resources in such activities. That's why I keep my own laptop to use if I am preparing testimony for an FDA proceeding, or writing comments in a rulemaking, etc. Most universities do allow *de minimis* resource use such as receiving an email at work to schedule a meeting. However, if what you are doing is "lobbying" even a *de minimus* use of resources would be unacceptable and you need to use your g-mail instead.

In the State of Texas, it went even farther: They will fire a state university professor if you cancel or reschedule a class to go off and do paid consulting or expert witnessing. Your job is to teach your students, and you can't let outside paid activities interfere with your job. You must schedule such activities in a way where they don't interfere with your duties to your university. In Texas, I've even waived honoraria that I was owed by the NSF or NIH, to avoid any possible appearance that I had rescheduled a class to attend a meeting at the NIH for hire. (If you are attending an NIH or NSF meeting on a project where the funding runs through the University, there's no issue: The NIH money goes to your university which then pays it to you, so the NIH meeting is part of your duties at work. But if it's an honorarium that is paid as a consulting fee under a grant, it could get you in trouble in Texas.) In practice, the University of Houston would let us reschedule classes to attend activities of that sort, but we had to refuse any payment that was in the form of a consulting fee. And that was fair: Parents are paying all that tuition for us to teach our students, and it just looks bad if we are gallivanting around getting paid by outsiders while cancelling our classes.

7. Another issue is that in other states, there sometimes are statutes forbidding state employees to engage in lobbying. When you testified about a technical issue at FDA or at some other government agency, you were free to say whatever you wanted about the merits of the policy issue. However, you had to be careful to avoid any appearance that you were lobbying for any of the other parties to that same regulatory proceeding. You could call the policy issues as you see them, but you needed to express things as a purely academic argument and try not to mention names of parties who might benefit from the policy you were suggesting. I don't know if Florida has an anti-lobbying law like that or not, but I just stick to that approach anyway.

Honestly, President Fuchs' communications about this matter seemed perfectly reasonable and totally in line with what I've seen at the other two state universities I worked for. It's only natural that you can't take money from someone else when you are on the University's clock. But you can say whatever you want when acting in your personal capacity, clearly communicating that you are not representing your employer, and not using any University resources.

It seemed silly that one press report claimed that it undercuts a professor's credibility not to get paid for expert witness testimony. It's the other way around: an expert witness can be impeached by the opposing counsel for being a "hired gun" who testifies for money. Nothing adds more credibility to a person's testimony than to do it without compensation, or for reimbursement of costs only. I accept that preparing expert testimony can take time, which should be fairly compensated. But it is spurious to claim that being unpaid somehow undermines a person's credibility as an expert witness.

Barbara

Barbara J. Evans, Ph.D., J.D., LL.M.  
Professor of Law and Stephen C. O'Connell Chair  
University of Florida Levin College of Law  
[evans@law.ufl.edu](mailto:evans@law.ufl.edu)  
Professor of Engineering  
University of Florida Wertheim College of Engineering  
[barbara.evans@ufl.edu](mailto:barbara.evans@ufl.edu)  
Spessard L. Holland Law Center  
PO Box 117620  
Gainesville FL 32611-7620  
352-273-0915 (office)  
713-446-7576 or 713-439-0050 (mobile phones)



**From:** Rosenbury,Laura Ann  
**Sent time:** 11/05/2021 08:08:47 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Conflict of Interest  
**Attachments:** Public University Conflict of Interest Policies.xlsx

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Laura Ann Rosenbury  
Dean, UF Levin College of Law

Begin forwarded message:

**From:** "O'Connell,Jane" <janeococonnell@law.ufl.edu>  
**Date:** November 4, 2021 at 5:32:29 PM EDT  
**To:** "Rosenbury,Laura Ann" <rosenbury@law.ufl.edu>  
**Subject:** Conflict of Interest

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Jane.

**From:** Glover, Joseph  
**Sent time:** 11/05/2021 10:57:10 PM  
**To:** Phillips, Winfred M <wphil@ufl.edu>  
**Subject:** NYTimes: University of Florida Reverses Course to Allow Professors to Testify Against State

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University of Florida Reverses Course to Allow Professors to Testify Against State

<https://www.nytimes.com/2021/11/05/us/voting-rights-florida-professors-testify.html?referringSource=articleShare>

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---

FYI

-----  
David E. Richardson  
Dean  
College of Liberal Arts and Sciences  
Professor of Chemistry  
University of Florida  
Turlington Hall 2014  
PO Box 117300  
Gainesville, FL 32611  
Telephone: 352-392-0780  
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**From:** Fernanda Zamudio-Suarez <newsletter@newsletter.chronicle.com>  
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Everything you need to know about the U. of

Florida's academic-freedom mess.

FL-UF-21-1634-A-000305



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—Fernanda

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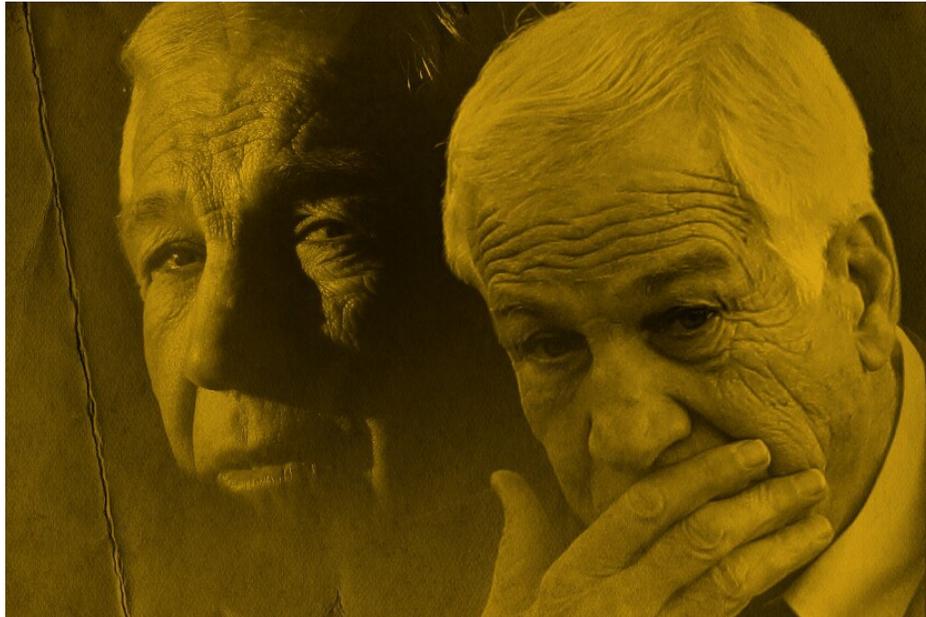
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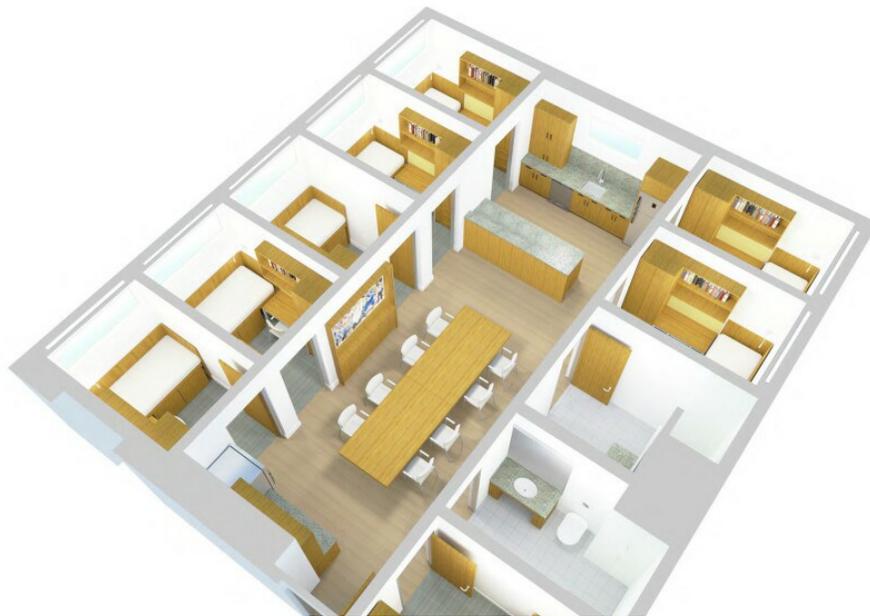
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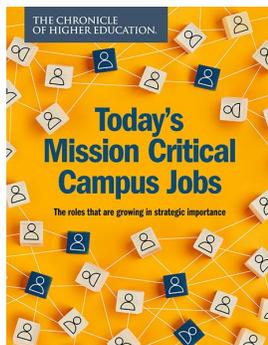
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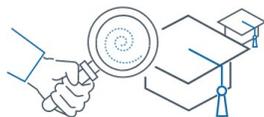


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**To:** Steve Orlando <sfo@UFL.EDU>  
**Subject:** Fwd: Weekly Briefing: The U. of Florida Is Still in the Headlines. Here's Why.

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**From:** "Richardson,David E" <der@ufl.edu>  
**Date:** November 6, 2021 at 9:58:42 AM EDT  
**To:** "Glover,Joseph" <jglover@aa.ufl.edu>  
**Subject:** Fwd: Weekly Briefing: The U. of Florida Is Still in the Headlines. Here's Why.

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David E. Richardson  
Dean  
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Professor of Chemistry  
University of Florida  
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PO Box 117300  
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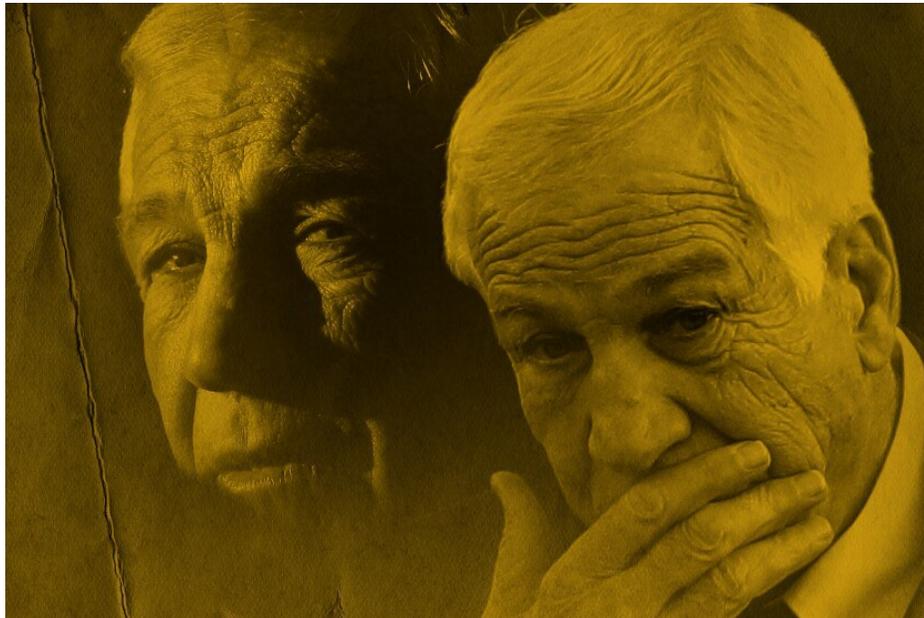
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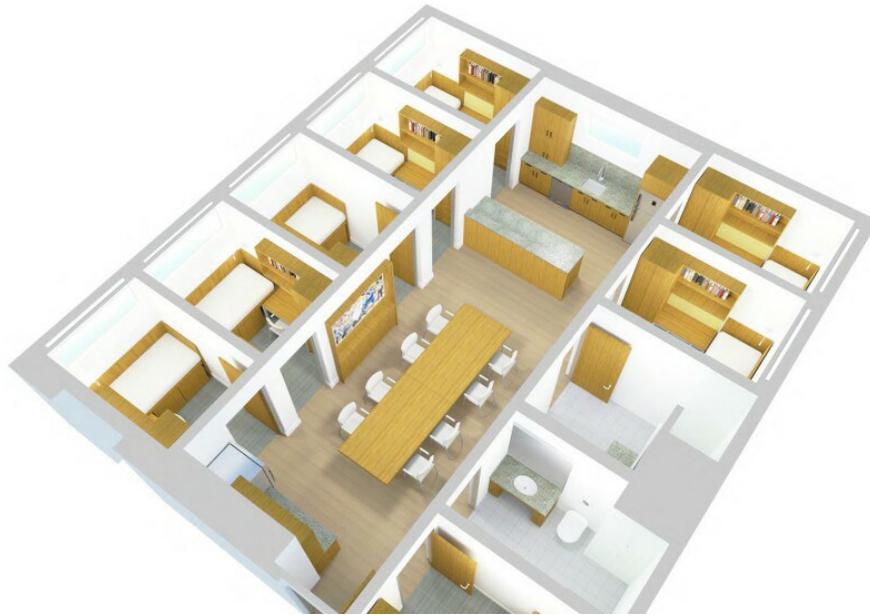
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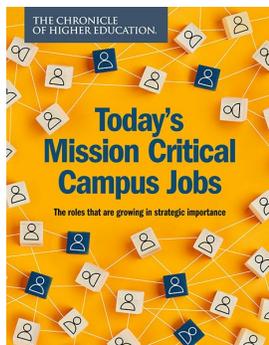
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**Sent time:** 11/06/2021 11:23:35 AM  
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**Cc:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Weekly Briefing: The U. of Florida Is Still in the Headlines. Here's Why.

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David E. Richardson  
Dean  
College of Liberal Arts and Sciences  
Professor of Chemistry  
University of Florida  
Turlington Hall 2014  
PO Box 117300  
Gainesville, FL 32611  
Telephone: 352-392-0780  
-----

Begin forwarded message:

**From:** Fernanda Zamudio-Suarez <newsletter@newsletter.chronicle.com>  
**Date:** November 6, 2021 at 8:06:24 AM EDT  
**To:** "Richardson,David E" <der@ufl.edu>  
**Subject:** Weekly Briefing: The U. of Florida Is Still in the Headlines. Here's Why.  
**Reply-To:** do-not-reply@chronicle.com

-257 ?

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# Weekly Briefing

THE CHRONICLE OF HIGHER EDUCATION

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## Everything you need to know about the U. of Florida's academic-freedom mess.



It has been a stormy week at the University of Florida, one that ended in the university's reversing its controversial decision. If you haven't been following, allow me to catch you up.

On Friday, October 29, a court filing revealed that the University of Florida had denied three political-science professors' requests to testify in a court case about voting restrictions in the state.

Testimonies like this [are common for academics](#). They may be paid for that work or not, and many scholars say it's a way to apply research to real-world situations.

In 2019, the university started a new system for reporting outside activities and financial interests. At the time, the concerns were about [research collaborations with China](#). The new system to report this work was called [UFOLIO](#), UF Online Interest Organizer.

Fast forward to October 2021, [when the because we mention them above, we need the article here./hlthree political-science professors were denied their request to be expert witnesses](#). David E. Richardson, dean of the College of Liberal Arts and Sciences, reviewed the UFOLIO submission and wrote, "Outside activities that may pose a conflict of interest to the executive branch of the State of Florida create a conflict for the University of Florida."

"UF will deny its employees' requests to engage in outside activities when it determines the activities are adverse to its interests," wrote Gary Winslett, [FL: UF-21-1634-A-000322](#)

assistant vice president for conflicts of interest. “As UF is a state actor, litigation against the state is adverse to UF’s interests.”

This denial sparked [outrage](#) from [scholars](#) and other observers across the country for what they called a violation of academic freedom and free speech.

On Friday, W. Kent Fuchs, president of the University of Florida, said the university [would reverse its decision](#) and allow the professors to serve as expert witnesses in the case against the state. [In a letter](#), Fuchs wrote that he had asked the university’s conflict-of-interest office to reverse its decision. He also said that a task force would review the college’s policy.

But this wasn’t the first time a professor was denied a request to give expert testimony. Jeffrey L. Goldhagen, a professor and pediatrician at the University of Florida’s College of Medicine, in Jacksonville, said [he’d been denied](#) a request to testify in litigation against state leaders who wanted to ban mask mandates in schools. He was also told he could not share his expertise on the pandemic’s effects on children in two other lawsuits. Goldhagen would not have been compensated for testimony, he told our Lindsay Ellis.

A college professor at Florida International University, however, [had no problem testifying in a voting-rights case](#). Dario Moreno, an associate professor of politics and international relations, was hired by the Republican National Committee and the National Republican Senatorial Committee as an expert witness to *defend* the new voting law in *League of Women Voters of Florida v. Lee*. Florida International’s conflict-of-interest policy is similar, but not identical to, to the University of Florida’s. Florida International does not allow professors to take outside work that could, among other things, create a conflict “between the private interests of the employee and the public interests of the University, the Board of Governors, and/or the State of Florida.”

Moreno, who could not be reached for comment, has also been paid by the Florida Legislature to defend Republican-drawn redistricting maps in court.

The university reversed its decision and said it would review its policy. But observers and critics haven’t taken their eyes off of Florida.

My colleagues have covered this story like a blanket. Here are all of our news headlines about Florida:

- [After Scathing Criticism, U. of Florida Will Let Professors Testify Against the State](#)
- [I’m Speechless’: What Prompted the U. of Florida to Tell Professors Not to Testify?](#)

- [3 U. of Florida Experts Couldn't Testify on a Voting-Rights Law. This Professor Had No Trouble.](#)
- [U. of Florida Doctor Says Administrators Blocked Him From Participating in Lawsuits About Masking](#)
- [U. of Florida's Accreditor Will Investigate Denial of Professors' Voting-Rights Testimony](#)

We've also run opinion pieces on the saga. Catch up:

- [Stand Up for What You Believe, President Fuchs](#)
- [Florida Is a Five-Alarm Fire for Academic Freedom](#)
- [Totalitarianism Takes Aim at Higher Education](#)



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## Lagniappe

- **Learn.** If you have trouble falling asleep, don't count sheep. [Try this instead.](#) (*Vogue*)
- **Read.** You may have noticed that many of my recommendations come from *The New Yorker's* "Briefly Noted" section. These new titles are usually a shorter wait on my public library's hold list. The latest? [Barcelona Dreaming.](#) (*The New Yorker*)
- **Listen.** I may have found a near-perfect album to write to, [People on Sunday.](#) (Spotify)
- **Watch.** There are [many reviews](#) about the director Wes Anderson's

latest film, *The French Dispatch*, now in theaters. Here's mine: It's fun.  
(rogerebert.com)

—Fernanda

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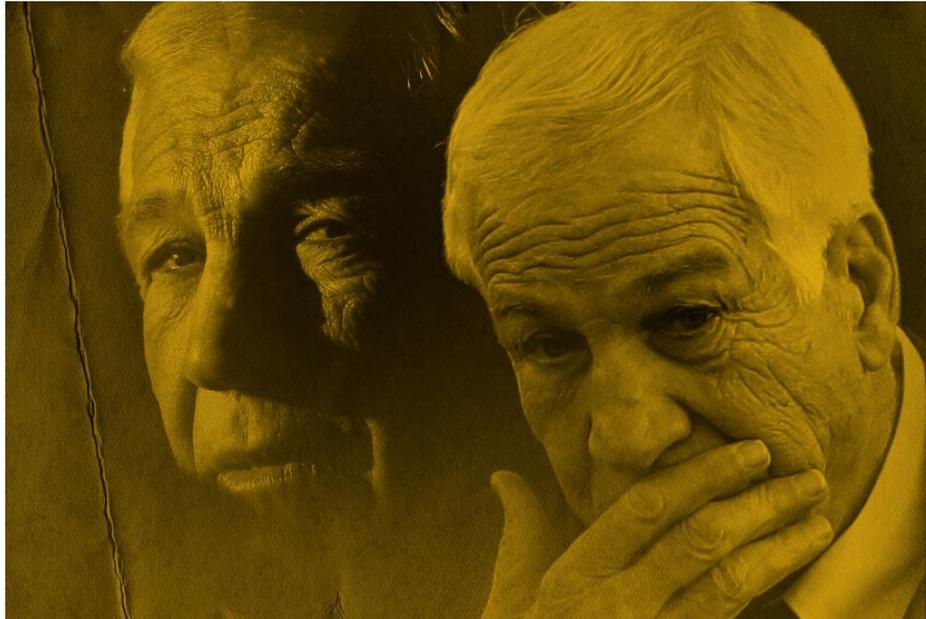
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## CHRONICLE TOP READS

A DECADE OF OUTRAGE

### **The Long Shadow of Jerry Sandusky**

*By Nell Gluckman*



Starting 10 years ago, allegations of serial sexual abuse at colleges burst into the public eye. What have we learned?

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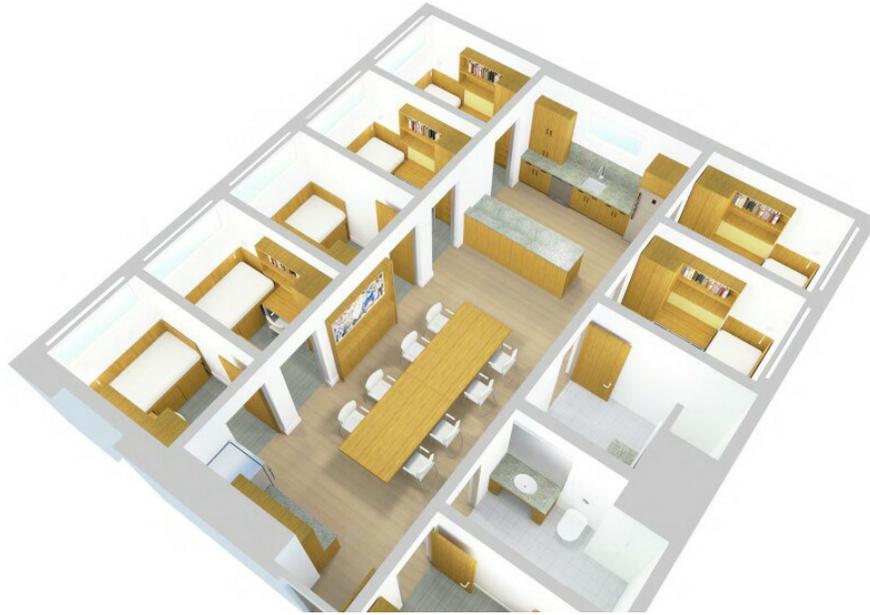
### **Meeting the Evolving Needs for Data Scientists**

As data-driven decision-making becomes the norm across all industries, learn how institutions are developing data scientists to keep up with this fast growing field.

---

# Is a Massive Dorm Project ‘Inspired and Revolutionary’ or ‘Billionaire Egomania’?

By Katherine Mangan



Plans for a 4,500-student dormitory full of windowless bedrooms raise questions about a wealthy donor’s outsize influence on the project.

STUDENTS

## Admissions as a Game of Chance? New Research Says Lotteries Could Decrease Diversity

By Eric Hoover

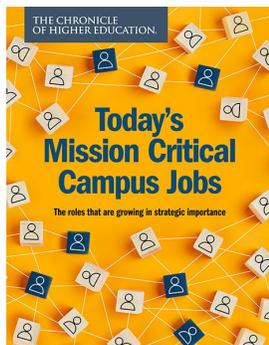


Rolling the dice to enroll students might have “dramatic and negative potential effects,” two scholars say.



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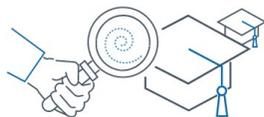


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## THE CHRONICLE OF HIGHER EDUCATION

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1255 23rd Street, N.W. Washington, D.C. 20037

**From:** Richardson,David E  
**Sent time:** 11/06/2021 01:34:12 PM  
**To:** Steve Orlando <sfo@UFL.EDU>; Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Fear of State Leadership

---

See below.

You will see why I am requesting UF set the record straight. Clearly and with no ambiguity.

-----  
David E. Richardson  
Dean  
College of Liberal Arts and Sciences  
Professor of Chemistry  
University of Florida  
Turlington Hall 2014  
PO Box 117300  
Gainesville, FL 32611  
Telephone: 352-392-0780  
-----

Begin forwarded message:

**From:** Richard Schrot <drdiabetesrs@icloud.com>  
**Date:** November 6, 2021 at 1:00:46 PM EDT  
**To:** "Richardson,David E" <der@ufl.edu>  
**Subject: Re: Fear of State Leadership**

-257 ?[External Email]

Dean Richardson:

After national and international uproar, condemnation and threats of investigation by accreditation agencies, UF President Fuchs finally rejected your appalling letter to UF Political Science Professors. Your letter's severely flawed reasoning may likely lead to your dismissal as Dean.

But, on the other hand, were you just sycophantly following orders from Trustee Mori Hosseini, Fuchs himself or other superiors? Did they demand that you reject UF Professors' negative testimony against the State of Florida?

You should speak up about where this demand really originated or risk being the scapegoat.

Richard J. Schrot, M. D.

Sent from my iPhone

On Oct 31, 2021, at 8:31 AM, Richard Schrot <drdiabetesrs@icloud.com> wrote:

-257 ?

Dean Richardson

from telling the real truth behind recent Florida voting laws that will deny voting rights and inhibit democracy in Florida.

Why? It's not conflict of interest, as you

claim — it is simply that you are too afraid and fearful of vengeful state leaders and you are too afraid to stand up for what is right. That's not a good legacy for anyone to stifle free speech out of fear - but I guess that's who you are.

Richard J. Schrot, M.D.

Sent from my iPhone

**From:** Glover, Joseph  
**Sent time:** 11/06/2021 02:21:47 PM  
**To:** Chuck Young <cyoung720@gmail.com>  
**Subject:** Re: <no subject>

---

Dear Chuck

While I think it's usually best that presidents speak with presidents I would be happy to speak with you if you'd like. Just let me know and I can set up a zoom or a phone call.

Best wishes  
Joe.

On Nov 6, 2021, at 1:41 PM, Chuck Young <cyoung720@gmail.com> wrote:

-257 ?

[External Email]

Dear Kent,

First, on re-reading my earlier email to you and Joe Glover, I have decided that I went farther than I should have regarding one part of that communication. I believe that in that communication I appeared to issue a demand rather than a request in providing you a time slot within which I expected a call from you or Joe. I apologize for that error, but still would like to hear from one of you at your earliest possible and convenient time. I stand by the rest of that statement except that I was off base in using the word *f-----* as a modifier to *angry* to express the depth of my negative feelings. I could and should have been more civil in my tone.

I have written the following comments in what I hope will be a more academic approach to analyzing my concerns about a number of actions and positions taken by the University and, I assume, the concerns the policy on which they are based

I have re-read the NY Times article several times article and both of the messages you sent to the Campus this week. My reading of these three documents has resulted in great confusion regarding the reason for denying the right of members of the faculty to testify in a variety of different circumstances. UF appears to rely on two principals, (i) a Perceived conflict of interest, and (ii) whether or not the faculty members are paid for their efforts.

I am quite familiar with the concept of conflict of interest I do not believe that I the instances reported do not meet that standard. Instead, the University' seems to be prohibiting the speech or other communications on the grounds that the testimony, or other communication would be detrimental to the Governor, the administration or other agency of the State including the Board of Regents or the several Boards of Trustees. Assuming that the positions taken by the faculty in these cases is based on their research or other clear competencies rather than their opinions, I believe your policy would not only violate their Freedom of Speech and Academic Freedom, but be contrary to the basic premise of the University. It is my clear understanding after more than three decades administering two great universities that faculty members' in most areas of the university is to teach, engage in research or other scholarly activity and make the results of that activity available to the public.

The other reason given for prohibiting the taking of positions, presumably based on competence or research results, is that the subject faculty receive some compensation in return for their efforts. Faculty present research results in many ways. For instance, they write books, articles, deliver lectures and give testimony. Universities like the University of Florida and UCLA have a three part mission, teaching research and public service. Among the best ways for a faculty member to contribute to the third mission is to testify before boards and committees at the Federal, State and local level. I have found that in some academic fields such as Law, Management public policy, for instance, the public service contributed by members of the faculty lies in providing sound well researched and helpful testimony based on their academic research or scholarly activity/ Are you prohibiting faculty members from being paid for books, articles or revenues from patents? How does being paid for testifying, or otherwise contributing pertinent research-based information to a court, a legislative committee or other pertinent body differ from those examples?

What is the conflict of interest that you are preventing by prohibiting a Faculty member from testifying, or otherwise presenting their research-based conclusions on a public issue? I believe it is a fair conclusion that what is being prohibited is preventing a member of the faculty from taking

Cc: Robell, Paul - FWD <probell@uff.ufl.edu>; Frazier, Charles E <cfrazier@aa.ufl.edu>  
Subject: <no subject>

[External Email]

I know that you, Kent, have never had the pleasure of the action of a truly angry President of UF Emeritus named Young. It is possible that Joe has. But he has seen nothing to compare with the agitation my reading of an article in the NYTimes has out me into. I am f----- mad. Although it is hard for me to believe that the facts in that story I hope there is some explanation that will cause me to once again believe that UF is a great University. If correct, that article makes it clear that our university has sold its soul to the politicians.

I would like a detailed and truthful response ASAP and for one of you to set up a call, preferably a Zoom call, tomorrow morning sometime between noon and 3:00 EDT. You do not want me to remain angry and uncontrolled.

Looking forward to hearing from and talking to one or both of you.

Chuck Young

**From:** Chuck Young <cyoung720@gmail.com>  
**Sent time:** 11/06/2021 03:03:45 PM  
**To:** Kent Fuchs <kent.fuchs@ufl.edu>  
**Cc:** Glover, Joseph <jglover@aa.ufl.edu>; Frazier, Charles E <cfrazier@aa.ufl.edu>; Robell, Paul - FWD <probell@uff.ufl.edu>; Frazier, Charles E <cfrazier@aa.ufl.edu>  
**Subject:** FW: <no subject>

---

[External Email]

Dear Kent,

First, on re-reading my earlier email to you and Joe Glover, I have decided that I went farther than I should have regarding one part of that communication. I believe that I appeared to issue a demand rather than a request in providing you a time slot within which I expected a call from you or Joe. I apologize for that error, but still would like to hear from one of you at your earliest possible and convenient time. I stand by the rest of that statement except that I was off base in using the word *f-----* as a modifier to *angry* to express the depth of my negative feelings. I could and should have been more civil in my tone.

I have written the following comments in what I hope will be a more academic approach to setting forth my concerns about a number of actions and positions taken by the University and the policy on which they are based

I have re-read the NY Times article several times and both of the messages you sent to the Campus this week. My reading of these three documents has resulted in great confusion regarding the reason for denying the right of members of the faculty to testify or express their research-based conclusions in a variety of different circumstances. UF appears to rely on two principals, (i) a Perceived conflict of interest, and (ii) whether or not the faculty members are paid for their efforts.

I am quite familiar with the concept of conflict of interest. I do not believe that the instances reported do not meet that standard. Instead, the University' seems to be prohibiting the speech or other communications on the grounds that the testimony, or other communication would be detrimental to the Governor, the administration or other agency of the State including the Board of Regents or the several Boards of Trustees. Assuming that the positions taken by the faculty in these cases is based on their research or other competencies, rather than their opinions, I believe your policy would not only violate their Freedom of Speech and Academic Freedom, but be contrary to the basic premise of the University. It is my clear understanding after more than three decades administering two great universities that faculty members, in most areas of the university, is to teach, engage in research or other scholarly activity and make the results of that activity available to the public.

The other reason given for prohibiting the taking of positions on public issues, that would presumably be based on competence or research results, is that the subject faculty receive some compensation in return for their efforts. Faculty present research results in many ways. For instance, they write books, articles, deliver lectures *and give testimony*. Universities like the University of Florida and UCLA have a three part mission, teaching research and public service. Among the best ways for a faculty member to contribute to the third mission is to testify before boards and committees at the Federal, State and local level. I have found that in some academic fields such as Law, Management and public policy, for instance, much the public service contributed by members of the faculty lies in providing sound well researched

and helpful testimony based on their academic research or scholarly activity.0 Are you prohibiting faculty members from being paid for books, articles or revenues from patents? How does being paid for testifying, or otherwise contributing pertinent research-based information to a court, a legislative committee or other pertinent body differ from those examples?

What is the conflict of interest that you are preventing by prohibiting a Faculty member from testifying, or otherwise presenting their research-based conclusions on a public issue? I believe it is a fair conclusion that what is being prohibited is preventing a member of the faculty from taking a public position on any matter that would be viewed as contrary to any action or position taken by the Governor or any other agency of the state, including the education boards which have authority over the University. I hope I am wrong in my collusion, but if not, this is a dangerous policy and, if not properly modified or repealed will bring great harm to the University.

I hope that you any any other readers of this message understand that it is intended as an aid to the further development and recognition of the University at which I had the pleasure of serving as President and still consider myself a Gator as well as a Bruin. I look forward to hearing from you or Joe and having the opportunity to talk to one or both of you by phone or a Zoom session in the near future..

Stay happy and well

Chuck

zom

**Cc:** Robell, Paul - FWD <probell@uff.ufl.edu>; Frazier, Charles E <cfrazier@aa.ufl.edu>  
**Subject:** <no subject>

[External Email]

I know that you, Kent, have never had the pleasure of the action of a truly angry President of UF Emeritus named Young. It is possible that Joe has. But he has seen nothing to compare with the agitation my reading of an article in the NYTimes has put me into. I am f----- mad. Although it is hard for me to believe I have, during the writing of this, that the facts in that story I hope there is some explanation that will cause me to once again believe that UF is a great University. If correct, that article makes it clear that our university has sold its soul to the politicians.

I would like a detailed and truthful response ASAP and for one of you to set up a call, preferably a Zoom call, tomorrow morning sometime between noon and 3:00 EDT. You do not want me to remain angry and uncontrolled.

Looking forward to hearing from and talking to one or both of you.

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:15:15 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021036 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021036  
**Discloser:** Joseph Grajo  
**Department:** MD-RADIOLOGY-BODY IMAGING  
**Entity:** Estes, Ingram, Foels, & Gibbs, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:18:37 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021147 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021147  
**Discloser:** Bruce Spiess  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Wimbish, Gentile, McCray & Roeber  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:19:03 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021176 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021176  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** jon pellet  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.

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Click [here](#) to access the disclosure.

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:20:09 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021195 UFOLIO Ancillary Review Submitted

---

# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021195  
**Discloser:** Steven Robicsek  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** White & Russell, P.A.  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:20:31 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021004 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021004  
**Discloser:** Noah Prince  
**Department:** MD-SURG PLASTIC DAYTONA  
**Entity:** Doran, Sims, Wolfe, & Yoon  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:21:39 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020765 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020765  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Cameron, Hodges, Coleman  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:22:25 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020596 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020596  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Adams Coogler Law  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:22:39 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020597 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020597  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** LaCava and Jacobson  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:22:32 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020614 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020614  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Rumberger Kirk  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:22:46 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020820 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00020820  
**Discloser:** Anthony Mancuso  
**Department:** MD-RADIOLOGY-NEURORADIOLOGY  
**Entity:** Beachside legal Services  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:22:52 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021281 UFOLIO Ancillary Review Submitted

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021281  
**Discloser:** Marc Zumberg  
**Department:** MD-HEMATOLOGY/ONCOLOGY  
**Entity:** PETERS & MONYAK, LLP  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/08/2021 08:30:13 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021119 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021119  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** Silva and Silva  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/08/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Glover,Joseph  
**Sent time:** 11/08/2021 12:17:18 PM  
**To:** Steve Orlando <sfo@UFL.EDU>  
**Subject:** Fwd: Request for Interview on Conflict of Interest task force

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Pls handle. Thx.

Begin forwarded message:

**From:** "Cooper,Julia Arin" <cooper.jarin@ufl.edu>  
**Date:** November 7, 2021 at 11:35:13 PM EST  
**To:** "Glover,Joseph" <jglover@aa.ufl.edu>  
**Subject:** Request for Interview on Conflict of Interest task force

-257 ?

Good evening Provost Glover,

My name is Julia Cooper. I am a reporter for WUFT News working on an audio story about the lawsuit that has been filed by UF professors who were previously barred from testifying in a voting rights case. Since the case involved the conflict of interest policy the task force you oversee will be discussing I was wondering if you would be able to give me some broad information about the task force such as when it will be meeting and when it expects to deliver an opinion on the policy?

I will be available all day tomorrow to meet or available via phone.

Thank you for your time,  
Julia Cooper  
WUFT News Reporter  
(786) 498-5584  
University of Florida

**From:** Paton,Nancy  
**Sent time:** 11/09/2021 04:36:59 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** FW: POLITICO Florida Pro Report: Tuesday, Nov. 9, 2021

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FYI..

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**From:** POLITICO Florida Pro <alert@email.politicopro.com>  
**Sent:** Tuesday, November 9, 2021 4:09 PM  
**To:** Paton,Nancy <nancypaton@ufl.edu>  
**Subject:** POLITICO Florida Pro Report: Tuesday, Nov. 9, 2021

[External Email]

## TOP NEWS

[Top UF faculty call for change after professors barred from testifying](#)

By Andrew Atterbury

University of Florida faculty members want the school to have more clear-cut rules surrounding their freedom of speech as state employees after three professors were barred from testifying against a controversial voting bill backed by Gov. Ron DeSantis. A UF task force...

## MORE FLORIDA NEWS

[Florida oil drilling reemerges as 2022 issue for Democrats](#)  
[Biden administration says blocking vaccine mandate could cost hundreds of lives per day](#)

**Top UF faculty call for change after professors barred from testifying** ([back](#))

By Andrew Atterbury

University of Florida faculty members want the school to have more clear-cut rules surrounding their freedom of speech as state employees after three professors were barred from testifying against a controversial voting bill backed by Gov. Ron DeSantis.

A UF task force assembled to probe the issue huddled for the first time on Tuesday, laying the groundwork for what is expected to be a rapid turnaround on reshaping the school's conflict-of-interest policies. Top UF faculty leaders during the meeting warned that the national reputation of Florida's flagship university is at stake as they work to hammer out a proposal in the coming days.

"This is less about what a court would do and more about who we want to be as a university," said Laura Rosenbury, dean of UF's Levin College of Law. "And I think that question should be guiding our analysis."

**Breaking it down:** The task force, which includes professors, deans and university officials, frequently mentioned the possibility of UF creating a process to increase the transparency behind its conflict-of-interest decisions.

For one, the university could install a means to review or appeal conflict policy decisions to help prevent the school from carrying out similar decisions to the one that sparked national blowback, task force members suggested.

In that move, UF leaders last month blocked professors Daniel Smith, Sharon Austin and Michael McDonald from providing expert testimony against a voting rights law pushed by DeSantis and state Republicans. Although the decision was [reversed late last week](#), critics accused the school of stifling academic freedoms and claimed the university was [acting as a political tool](#) of DeSantis, especially since professors had been allowed to testify as experts in other voting rights cases.

Additionally, panel members proposed that UF broaden its conflict-of-interest policies to give faculty a clearer picture of their rights.

"I think there's a larger question beyond simply expert testimony here," said Clay Calvert, a journalism professor at UF who specializes in First Amendment law. "It would also be commentary to the media, signing on to amicus briefs, or friend of the court, any time in which a professor is acting as a private citizen, speaking out as a matter of public concern."

**What's next:** UF's task force could meet an upwards of seven times over the next few weeks to digest the numerous conflict-of-interest facets at the university.

President Kent Fuchs is expecting the initial recommendations by Nov. 29.

## Florida oil drilling reemerges as 2022 issue for Democrats [\(back\)](#)

By Bruce Ritchie

TALLAHASSEE — Democrats seeking to unseat Gov. Ron DeSantis have reignited a decades-old controversy ahead of the 2022 election: oil drilling.

A drilling application from Trend Exploration LLC in Collier County set off the latest flare-up as Agriculture Commissioner Nikki Fried called on the Florida Department of Environmental Protection to reject a proposed drilling permit near Immokalee and Big Cypress National Preserve. She also called on DeSantis to issue an order banning oil drilling and exploration.

"Just the slightest chance something like an oil drill exposes and potentially gets contamination into not only the Everglades but our other drinking water — absolutely there should be a ban," Fried said last week at a news conference.

State Sen. Annette Taddeo and Rep. [Charlie Crist](#) (D-Fla.) followed suit, telling POLITICO they also opposed drilling.

While offshore drilling has been a controversial issue in the past, land-based drilling has not been as controversial except for calls by environmentalists to ban oil and gas hydraulic fracturing, known as fracking.

Raising the issue again allows the Democrats to appeal to the party's environmental base while creating a wedge issue with DeSantis, who touts his own environmental credentials despite criticism from some green activists.

"It [a drilling ban] would certainly be popular among environmentalists and of course Democrats and progressives," said Aubrey Jewett, an associate professor at the University of Central Florida's School of Politics, Security, and International Affairs. "In a Democratic primary it is certainly a popular position I suspect."

Fried also used the permit application in Collier County to take a shot at Crist, the early primary frontrunner who briefly supported offshore oil drilling as a Republican governor in 2008.

"Unlike some running for the Democratic nomination, I've always been unequivocal in opposing offshore oil drilling, and Florida has had enough," Fried said in a campaign statement on Monday.

Crist supported offshore drilling in 2008 after gas prices spiked while he was being considered as a vice presidential running mate to Sen. John McCain. But Crist opposed it the following year after the Florida House of Representatives voted to allow drilling along the coast.

"As governor, Charlie will promote clean energy like solar to create thousands of jobs — this is the Sunshine State, we should be a solar energy leader," campaign spokesperson Samantha Ramirez said in a statement to POLITICO this week.

Oil was [first discovered](#) in Florida in what is now Big Cypress National Preserve in 1943, after the governor and Cabinet offered \$50,000 for the first discovery in the state. Oil production expanded to the Florida Panhandle in 1970 with the discovery of the Jay Field in northern Santa Rosa County. The Jay Field has produced 425 million barrels of oil since it was discovered, according to the Florida Department of Environmental Protection. Production is waning but there is additional potential for more oil and gas with deeper drilling at Jay, licensed geologist Tom Herbert said.

In the late 1970s to early 1980s, Florida produced about 100,000 barrels of oil per day, according to the Independent Petroleum Association of America. But that number has dwindled to about 4,000 per day now.

Much of the controversy surrounding oil in Florida in recent years has been on whether drilling should be expanded in federal waters and about individual permitting disputes in areas around the Everglades and Big Cypress.

Former President Donald Trump reignited the offshore drilling debate in 2017 when his Interior Department proposed opening federal waters off Florida — and much of the country — to new drilling. But that proposal was removed in early 2018 after then-Interior Secretary Ryan Zinke met with [Rick Scott](#), who as governor at the time opposed the drilling.

In November 2018, 69 percent of Florida voters approved placing a ban in the Florida Constitution on drilling in state waters.

And in a sign of the growing unpopularity of oil drilling on land, DeSantis announced in 2020 that the state would spend \$16.6 million to buy a 20,000-acre proposed drilling site in western Broward County after a state judge threw out DEP's objections and ordered the state to issue a permit.

As a candidate, DeSantis opposed oil and gas fracking — but he hasn't publicly supported legislation to ban the practice. His

press office did not respond to a request for comment on the Democratic candidates calling for an end to drilling.

Some environmentalists say the discussion on banning oil drilling is overdue.

"I think we are way past the time for phasing out drilling for fossil fuels in Florida," said Jonathan Webber of Florida Conservation Voters. "I think that it makes perfect common sense for any elected official to be opposing it at this time."

"Sooner or later we're going to have to stop burning fossil fuels," said Sierra Club's David Cullen.

But Gifford Briggs, regional director of the American Petroleum Institute Gulf Coast Region, said restricting "American energy" production at a time of rising energy costs would be unfortunate for Florida residents and tourism. And he questioned whether such an order from a governor would be legal.

"The right to produce the natural resources that you have as a mineral owner — that is a property right," he said. "And that property right needs to be protected. And beyond the national security issue and cost of energy issue, we shouldn't want to go around restricting people's right to develop their property."

One company that stands to profit off of Florida's oil is Collier Resources Co., which owns mineral rights to more than 800,000 acres in Collier, Lee and Hendry counties. The Collier family in 1974 transferred 76,790 acres to the National Park Service to establish Big Cypress National Preserve but maintained ownership of the mineral rights.

Matthew Schwartz, executive director of the South Florida Wildlands Association, like other environmentalists, opposes drilling but said he doesn't think the state can ban it without paying landowners and mineral owners, such as Collier Resources Co., which owns the drilling rights at the Immokalee site and elsewhere in the Big Cypress National Preserve.

"I've known that for years that we need better legislation," he said. "But people like the Colliers do not walk away from property they own. They just don't. I don't think they [politicians] can take away drilling in that way."

Collier Resources did not respond to voice messages left requesting comment. But John Michael Cheeseman, managing member of Trend Exploration LLC, said there has been 70 years of drilling in Florida without a major incident.

"I realize we don't want something to happen," he said after explaining that he did "not particularly" want to comment on the unfolding political controversy around his company's permit application, which the Florida Department of Environmental Protection rejected on Friday. The company has 21 days to appeal the decision.

"We are not out to destroy the environment," he said. "We are pursuing our dream — which no one else could care about."

To view online [click here](#).

## **Biden administration says blocking vaccine mandate could cost hundreds of lives per day [\(back\)](#)**

By Rebecca Rainey

WASHINGTON — The Biden administration [told a federal court Monday](#) that a stay of its vaccinate-or-test requirement for private employers "would likely cost dozens or even hundreds of lives per day."

Responding to a temporary stay imposed by the Fifth Circuit Court of Appeals on Saturday, the administration argued that the Occupational Safety and Health Administration was well within its authority to issue the requirements calling for employees at large businesses to be vaccinated against Covid-19 or tested weekly.

The suit that resulted in the temporary stay — led by Texas — is part of a legal and political onslaught against the mandate by mostly Republican governors and conservative groups, who argue it is unconstitutional, among other things.

The administration is also fighting opposition to its coronavirus measures on other fronts. A federal judge in Washington, D.C., on Monday [refused a request](#) by 18 federal employees and two Marines to halt enforcement of separate rules requiring the vaccination of federal workers and military personnel.

Attorneys for OSHA and the Labor Department told a panel of judges for the New Orleans-based Fifth Circuit that the states, businesses and religious groups that requested the stay of the private-business mandate aren't likely to succeed given earlier court rulings, federal law and "the considerable evidence that OSHA analyzed and discussed when issuing" the requirement.

"Nor have petitioners shown that their claimed injuries outweigh the harm of staying a Standard that will save thousands of lives and prevent hundreds of thousands of hospitalizations," the filing added.

It pointed to the surge in infections caused by the delta variant of Covid-19, saying that voluntary safety measures “proved ineffective” so OSHA had to step in.

“Far from calling into question OSHA’s assessments, the timing reflects OSHA’s determination, based on detailed and expert analysis, that this response is needed now to address a growing and current grave danger in the workplace,” the filing said.

The administration also argued there aren't grounds for “emergency” relief because the effects of the mandate won’t be in place for another month.

The Biden administration [released two new rules last week](#) that will be enforced starting Jan. 4 — one requiring workers at businesses with more than 100 employees to be vaccinated or tested weekly for Covid-19, and another implementing a vaccine mandate for health care workers at facilities participating in Medicare and Medicaid. Together, the rules are expected to affect over 1 million workers.

At least a dozen legal challenges have been filed against the rule since it was announced.

The Fifth Circuit court judges [temporarily blocked](#) the rule over the weekend after finding the “petitions give cause to believe there are grave statutory and constitutional issues with the Mandate.”

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This email was sent to [nancypaton@ufl.edu](mailto:nancypaton@ufl.edu) by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

**From:** Russell, Judith  
**Sent time:** 11/10/2021 02:47:40 AM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: The Smathers Libraries' commitment to academic freedom and freedom of speech

---

In light of the conversation at your meeting with the deans yesterday, I wanted to share this statement that I sent to all of my employees and the members of the University Libraries Committee. It was reviewed by Steve Orlando before I shared it. I would be happy to talk about it if you wish.

Judy

-----  
Judith C. Russell  
jcrussell@ufl.edu  
352-273-2505 (work)  
202-262-6501 (cell)

Begin forwarded message:

**From:** "Russell, Judith" <jcrussell@ufl.edu>  
**Date:** November 8, 2021 at 7:51:05 PM EST  
**To:** All Smathers Library Staff <uflibs@ad.ufl.edu>  
**Subject:** The Smathers Libraries' commitment to academic freedom and freedom of speech

-257 ?

Events during the past few days have thrust the University of Florida into the national spotlight and raised questions about academic freedom and the First Amendment guarantee of freedom of speech.

As you may know, the University Administration has voiced its support for these important principles and reversed a highly controversial decision declaring expert testimony by UF faculty on several recent legislative and gubernatorial initiatives a conflict of interest. The University President has formed a task force to review UF's practice regarding requests for approval of outside activities involving potential conflicts of interest and conflicts of commitment, particularly when employees request approval to serve as expert witnesses in litigation in which their employer, the state of Florida, is a party. The UF Faculty Senate is also forming an ad hoc committee to review this matter. From my perspective, both of these are welcome initiatives.

The Smathers Libraries are committed to protecting and advancing intellectual freedom, which encompasses freedom of speech and academic freedom, as an important set of rights. Our Inclusion and Intellectual Freedom statements (<https://uflib.ufl.edu/about/user-policies/inclusion-and-intellectual-freedom/>) articulate this commitment. Intellectual freedom includes the right to access the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous. When intellectual freedom exists, these views and expressions are accessible without the necessity of endorsement by other individuals, groups or institutions, and without the imposition of political, moral, or aesthetic views of another individual, group or institution. Intellectual freedom includes the right to free expression, where an individual or group may fully engage in the quality and diversity of thought and expression, and develop their own views and expressions without being coerced and/or inhibited.

Libraries and library professionals have a long, proud tradition of disseminating knowledge that supports productive discord and learning geared toward a better understanding of truth, even when this is counter to powerful interests or popular opinion. The Smathers Libraries will continue to work with others at the University and in the community to find solutions that champion intellectual freedom and advance efforts to eliminate racism and foster diversity, equity, and inclusion.

Much has already been said, and much more will be said, about the present moment, but the Libraries' commitment to serving our students, faculty and the broader community embraces free speech and academic freedom in order to support the teaching, research and service missions of the University of Florida. These are firmly held principles from which we will not waver.

Judy

Judith C. Russell  
Dean of University Libraries  
George A. Smathers Libraries  
University of Florida  
535 Library West

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E-Mail: [jcrussell@ufl.edu](mailto:jcrussell@ufl.edu)  
Web: [www.uflib.ufl.edu](http://www.uflib.ufl.edu)

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/10/2021 11:14:25 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00020859 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** [DOI00020859](#)  
**Discloser:** Brian Hoh  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** Wharton Levin Ehrmantraut & Klein  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/10/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

---

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/10/2021 11:18:00 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021334 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021334  
**Discloser:** Brian Hoh  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** Bonezzi Switzer Polito & Hupp  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/10/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Glover, Joseph  
**Sent time:** 11/10/2021 11:58:17 AM  
**To:** Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft, John <john.kraft@warrington.ufl.edu>; Rosenbury, Laura Ann <rosenbury@law.ufl.edu>  
**Cc:** Joe Glover (jglover@aa.ufl.edu) <jglover@aa.ufl.edu>; Steve Orlando (sfo@UFL.EDU) <sfo@UFL.EDU>; Holt, Rebecca J <bholt@ufl.edu>; Paton, Nancy <nancypaton@ufl.edu>  
**Subject:** Friday Task Force meeting  
**Attachments:** Minutes-November 9 2021.docx

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Thank you all for agreeing to meet Friday at 8 a.m. I have invited UF Health Senior VP and General Counsel Randall Jenkins to speak with us first thing Friday morning about any UF Health concerns connected with expert witness testimony and related matters. I suggest we devote the first part of our meeting to engaging with him.

I have also attached a draft set of minutes for your review and approval at the Friday meeting.

Regards,  
Joe

**President's Task Force on Outside Activities**  
**Tuesday, November 9, 2021**  
**Minutes**

**Task Force Members:**

Joseph Glover, Provost and Chief Academic Officer, Task Force Chair

Katie Vogel Anderson, Clinical Associate Professor, College of Pharmacy

Hub Brown, Dean, College of Journalism and Communications

Clay Calvert, Professor of Law and Professor of Journalism and Communications

Terra DuBois, Chief Compliance, Ethics and Privacy Officer

John Kraft, Professor and Susan Cameron Chair of International Business, Warrington College of Business

Laura Rosenbury, Dean, Levin College of Law

Task Force Chair Joseph Glover welcomed the Task Force members and called the meeting to order at 11:00 a.m. Dr. Glover reviewed President Fuchs' charge to the Task Force (*Task Force currently limited to issue of serving as expert witness; asks for recommendations by November 29*). The following questions were presented for consideration:

- a. How might UF's written policies on disclosure of outside activities and conflict of interest (as they relate to the issue of serving as an expert witness) be modified to better reinforce the university's longstanding commitment to academic freedom and/or to achieve other goals?
- b. If need arises for a new interpretation of written policies or a revised interpretation or application is proposed, what is the process for creating, adopting, or rejecting a new/revised interpretation?
- c. Do the procedures used for receiving and assessing disclosures of outside activities need modification? Who should issue decisions to faculty members and what form should the communications take?
- d. Assuming for the moment that the intention is to grant most requests to serve as expert witnesses, what are the possible exceptions to this intention, how do we delineate them, and who gets to decide those exceptions?

In discussing the issues that need to be addressed, Task Force members agreed to focus on (1) potential revisions to underlying policy, informed by current understanding of academic freedom and free speech policies and case law, and (2) potential revisions to the processes involved in vetting a disclosure of outside activity as an expert witness.

Dean Rosenbury indicated that the Law Center has assembled an Excel spreadsheet containing links to 20 public university conflicts of interest policies that she will share with the group.

A representative from UF Health will be invited to the next task force meeting to discuss issues surrounding requests to serve as an expert witness in a medical context.

The Task Force will schedule 7 additional meetings between now and November 29. Dr. Glover offered to draft a report for editing before submission to the President. Alternatively, Task Force members could participate in the initial drafting.

The meeting was adjourned at 11:45 a.m.

**From:** DEERE,CARMEN DIANA  
**Sent time:** 11/10/2021 02:29:54 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>  
Glover,Joseph <jglover@aa.ufl.edu>; Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft,John <john.kraft@warrington.ufl.edu>; Rosenbury,Laura Ann <rosenbury@law.ufl.edu>; Faculty Senate Chair <FacultySenateChair@aa.ufl.edu>; Ortiz,Paul <portiz@ufl.edu>  
**Cc:**  
**Subject:** Statement of RFUF Board of Directors on Academic Freedom  
**Attachments:** RFUF Board statement\_Nov 10 2021.pdf

---

Dear President Fuchs,

Please find below (and attached) a statement of concern by the Board of Directors of the Retired Faculty of the University of Florida.

Respectfully,  
Carmen Diana Deere  
RFUF President 2021-2022

\*\*\*\*

The Retired Faculty of the University of Florida (RFUF) Board of Directors is concerned with reports of interference by state politicians and donors in the free speech of faculty as well as in university policy and hiring decisions. This has already resulted in substantial harm to the governance and functioning of the University, the good name of UF in the state and nation, and the wellbeing of students, staff, and the general public.

UF has recently been ranked in the Top 5 of US public universities, accomplishing this after years of dedication to quality teaching, research, and service. Perception that outside actors are manipulating UF's participation in ongoing discussions on health, elections, and civil rights and in faculty hires could certainly yield negative results for all.

While we appreciate that President Fuchs has rescinded the decision to ban professors from testifying in court on voter rights restrictions in Florida, and while we agree with the decision to activate an investigation into the issues, as retired faculty of the University, we question the decision-making process that led to this crisis about academic freedom and political interference. As a state institution, teaching, research, and service must be on behalf of all Floridians, whether or not it serves the specific interests and objectives of the state government or of powerful individuals and interest groups within the state.

Faculty members must have the academic freedom to conduct research, teach, and communicate to the public facts and ideas stemming from their academic explorations and there should be no political interference in university hiring decisions. We are concerned that the composition of the newly created task force to review UF's practice regarding requests for approval of outside activities is unrepresentative of broader faculty and university concerns, and we recommend that as a first step, the task force be expanded to include designees of the UF Senate president and the UFF president.

Carmen Diana Deere (IFAS), RFUF President, 2021-2022  
R. Hunt Davis Jr. (CLAS)  
John Foltz (IFAS)  
Alison Gerencser (Law)  
Abraham Goldman (CLAS)  
George J. Hochmuth (IFAS)  
Pushpa S. Kalra (Medicine)  
Saeed R. Khan (Medicine)  
James L. Kurtz (Engineering)  
Richard Phillips (Libraries)  
Robin Poynor (Arts)  
Harry B. Shaw (CLAS)  
Ann P. Smith (Nursing)

\*\*\*\*\*

Carmen Diana Deere  
Distinguished Professor Emerita of Latin American Studies and  
Food & Resource Economics  
Center for Latin American Studies  
University of Florida  
319 Grinter Hall  
Gainesville, FL 32611-5530 USA  
[www.latam.ufl.edu](http://www.latam.ufl.edu)

FL-UF-21-1634-A-000358



## Statement of RFUF Board of Directors

November 10, 2021

TO: President Kent Fuchs

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James L. Kurtz (Engineering)

Richard Phillips (Libraries)

Robin Poynor (Arts)

Harry B. Shaw (CLAS)

Ann P. Smith (Nursing)

**From:** President, University of Florida (Kent Fuchs)  
**Sent time:** 11/10/2021 02:55:06 PM  
**To:** DEERE,CARMEN DIANA <deere@LATAM.UFL.EDU>  
Glover,Joseph <jglover@aa.ufl.edu>; Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay  
**Cc:** <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft,John <john.kraft@warrington.ufl.edu>; Rosenbury,Laura Ann  
<rosenbury@law.ufl.edu>; Faculty Senate Chair <FacultySenateChair@aa.ufl.edu>; Ortiz,Paul <portiz@ufl.edu>  
**Subject:** RE: Statement of RFUF Board of Directors on Academic Freedom

---

Dear Professor Deere,  
Thank you for your letter.  
Warm regards,  
Kent

Kent Fuchs  
President  
University of Florida

---

**From:** DEERE,CARMEN DIANA <deere@LATAM.UFL.EDU>  
**Sent:** Wednesday, November 10, 2021 2:30 PM  
**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>; Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub  
<hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft,John  
<john.kraft@warrington.ufl.edu>; Rosenbury,Laura Ann <rosenbury@law.ufl.edu>; Faculty Senate Chair  
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FL-UF-21-1634-A-000361

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\*\*\*\*\*

Carmen Diana Deere  
Distinguished Professor Emerita of Latin American Studies and  
Food & Resource Economics  
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University of Florida  
319 Grinter Hall  
Gainesville, FL 32611-5530 USA  
[www.latam.ufl.edu](http://www.latam.ufl.edu)  
(352) 273-4731

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/10/2021 02:57:33 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021113 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021113  
**Discloser:** Nikolaus Gravenstein  
**Department:** MD-ANESTHESIOLOGY-GENERAL  
**Entity:** charles usry  
**Disclosure Type:** Legal Consulting

Christa Parmerlee has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/10/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Okun,Michael S <okun@neurology.ufl.edu>  
**Sent time:** 11/12/2021 08:09:43 AM  
**To:** FIXEL-INSTITUTE-L@LISTS.UFL.EDU  
**Subject:** Where I stand

---

Colleagues,

As a department chair and institute director I have been thinking a lot about the recent events at UF and I want you to know where I stand.

I am a fierce defender of 1<sup>st</sup> amendment rights and if any of you feel like your rights have been infringed on please reach out to me. I believe we need to defend our freedom of speech.

I believe that you have the right to give your opinions and to consult for lawsuits or for other matters. So far, the conflict of interest online UFOLIO system has allowed everyone to disclose their activities, and I hope that this has not restricted free speech. Maybe there are improvements needed in this process and if so, we need to be open to them.

I will as a chair and an institute director listen to you and fight for you if you feel that your first amendment rights have been violated.

I was glad to see that the University professors will be allowed to testify, and I like every other member of the faculty will be watching to be sure the rights of all of our faculty are protected.

I want to thank our diversity and inclusion council for always listening and standing up for what it right. I encourage all the faculty to engage them whenever there is a question.

Thanks for listening and please never fear speaking out and never fear using your voice,



Michael S. Okun, M.D.  
Adelaide Lackner Professor and Chair of Neurology  
Executive Director, Norman Fixel Institute for Neurological Diseases  
University of Florida Health

**Chair/Vice Chair Administrative Office**  
Jacqueline Metts, Executive Assistant  
Email [jacqueline.metts@neurology.ufl.edu](mailto:jacqueline.metts@neurology.ufl.edu)  
[3011 SW Williston Rd Gainesville, FL 32608](https://www.ufl.edu/health/3011-SW-Williston-Rd-Gainesville-FL-32608)  
Office: | 352-733-3048 | Fax 352-273-5575

Patient offices located next door at 3009 SW Williston Rd

\*If you are a PATIENT or PATIENT REPRESENTATIVE, you may choose to email personal health information (PHI) to your provider. However, in order to comply with state and federal privacy laws, UF Health must have a your written permission to send PHI via unsecure email.

The "Instructions" and forms are located at <https://www.ufl.edu/health/privacy/email-authorization/>. Another option is to send messages using **MYUFHEALTH**, a secure patient portal that also allows you to access portions of your medical record. Please visit <https://myufhealth.org/myufhealth-logs> for more information or ask your doctor's office how to sign up for MyUFHealth.

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#####

To unsubscribe from the FIXEL-INSTITUTE-L list, click the following link: <https://lists.ufl.edu/cgi-bin/wa?TICKET=NzM4MTM2IGNqGFzc0BBQS5VRkwuRURVIEZJWEVMLUIOU1RJVFVURS1MIDOKVFtuLgYD&c=SIGNOFF>

**From:** Glover,Joseph  
**Sent time:** 11/12/2021 09:43:22 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>; Holt,Rebecca J <bholt@ufl.edu>  
**Subject:** Monday 8:30 a.m.

---

Hi Gary,

The Task Force will review the process for handling disclosures of outside activities related to expert witness testimony on Monday at 8:30 a.m., so two things:

1. Would you give some thought to any process changes you propose?
2. Would you be willing to join the meeting Monday as a panelist to serve as a resource for questions about the process?

Thanks.

Regards,  
Joe

**From:** Wimsett, Gary  
**Sent time:** 11/12/2021 10:05:11 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Monday 8:30 a.m.

---

Do you have a moment to discuss today?

Thanks,  
Gary

---

**From:** Glover,Joseph <jglover@aa.ufl.edu>  
**Sent:** Friday, November 12, 2021 9:43 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>; Holt,Rebecca J <bholt@ufl.edu>  
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**From:** Glover,Joseph  
**Sent time:** 11/12/2021 10:18:16 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Monday 8:30 a.m.

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Yes. I'll call you in a little bit.

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Friday, November 12, 2021 10:05 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Monday 8:30 a.m.

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Gary

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**From:** Glover,Joseph <jglover@aa.ufl.edu>  
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**To:** Wimsett, Gary <gwimsett@ufl.edu>  
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Joe

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/12/2021 12:15:06 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021295 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021295  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Wright & Casey, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/12/2021 12:15:19 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021294 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021294  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Conroy Simberg Attorneys  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/12/2021 12:15:33 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021293 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021293  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Marshall, Dennehey, Warner, Coleman, & Goggin  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/12/2021 12:15:50 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021291 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021291  
**Discloser:** Charles Bush  
**Department:** MD-RADIOLOGY-ORTHOPAEDIC  
**Entity:** Wicker, Smith, O'Hara, McCoy, and Ford PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/12/2021 12:16:09 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021332 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021332  
**Discloser:** Brian Hoh  
**Department:** MD-NEUROLOGICAL SURGERY  
**Entity:** Physicians Medical Review LLC  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/12/2021 12:16:46 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021044 UFOLIO Ancillary Review Submitted

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# UFOLIO

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## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021044  
**Discloser:** John Hardeman  
**Department:** DN-ORAL SURGERY ADMIN  
**Entity:** Cole, Scott & Kissane, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/12/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Good, Glenn E  
**Sent time:** 11/12/2021 03:31:32 PM  
**To:** COE-L-EVERYONE <COE-EVERYONE@ad.ufl.edu>  
**Subject:** Friday Update

Greetings EduGator Community-

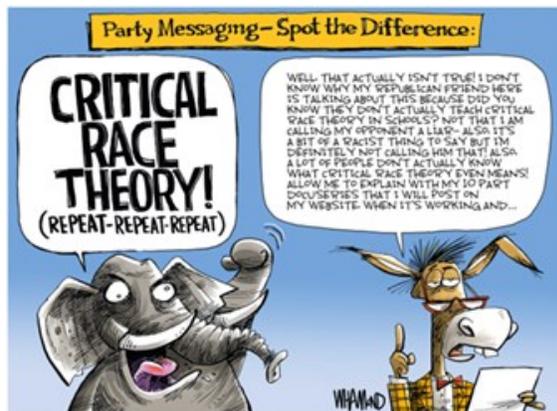
Events during the past weeks have thrust UF into the national spotlight, with some calling into question the University's commitment to the principles of academic freedom and freedom of speech under the First Amendment as well as its degree of freedom from political influence (exemplar articles appear below). The University's administration reversed its decision and announced the formation of a task force to explore the issues surrounding conflict of interest.

The COE issued a [statement affirming our support for academic freedom and freedom of speech](#). Challenges aside, the COE has much good news, including our receipt of one of only four \$5M gifts being awarded nationwide to advance computer science education (article below). Over in the Office of Education Research, Brian Lane observed that faculty submitted exactly twice as many proposals (26!) for external funding compared to the same month in 2020. Congrats to busy faculty and staff!

We have also posted our new Associate Dean for Faculty Affairs and Diversity, Equity, Inclusion, and Community Engagement position description. Further, our historic Norman Hall was featured in the online version of the Gainesville Sun prior to Halloween, with images depicting hints of the friendly spirits that may reside within! (see a few of the photos below). On with further updates!

**Politics, Education, and Critical Race Theory** – CRT has returned to the top of national politics and news.

- From GS/politicalcartoons.com



- [Critical race theory, mask mandates dominate 2021 school board elections -- is 2022 next?](#) [USA TODAY] - Dozens of races across the country amounted to a [tug-of-war over education policies](#), from [school mask requirements](#) to [history curricula](#). While conservatives capitalized on education culture wars to win the highest-profile election, [for Virginia's next governor](#), results in other contests were mixed. Races in 76 school districts across 22 states featured candidates who took a stance on race in education or critical race theory, according to Ballotpedia, a political tracking website. [Critical race theory](#), a graduate-level law school concept that examines systemic racism, is seldom taught in schools. It has nevertheless inflamed conservatives, previewing a valuable [political tool for Republicans](#) in the 2022 midterm elections. Critical race theory, DEI: [What do those terms really mean?](#) Conservatives [campaigning against critical race theory](#) secured school board seats in several suburbs across the country, from Douglas County, Colorado, to Southlake, Texas. In Virginia's razor-tight governor's race, Republican Glenn Youngkin ran on a platform touting parental control of schools and attacking progressive-led initiatives designed to make schools more inclusive. Youngkin secured a victory Tuesday night with 50.7% of the vote, a major upset for Democrats in a state where President Joe Biden won by 10% last year.
- [Abbott, DeSantis in race to the right](#) [Austin-American Statesman/USA Today/GS] - Seeking to lead across a broad spectrum of hot-button conservative issues, from fighting mask mandates and vaccination mandates to limiting teaching of race ... Texas Governor Abbott and Florida Governor DeSantis appear locked in a duel for a Republican base of voters eager to recapture the White House. ... **Critical Race Theory** – Abbott and DeSantis almost clanged in to each other weeks ago in their attack on CRT, a favorite target of conservative media. DeSantis' Board of Education also barred CRT from schools, with the Florida governor saying educators were “trying to indoctrinate (students) with ideology,” although failing to provide any proof that was happening.



Republican Glenn Youngkin trailed his opponent for much of the Virginia governor's race, struggling to stir enthusiasm with his criticism of the state's economy, questioning of U.S. election integrity and self-portrayal as a likable moderate in a red fleece vest. But in the late weeks of the campaign — which culminated early Wednesday morning in a close victory for Youngkin over Democrat Terry McAuliffe — Youngkin found his footing, surging in the polls as he mined a national vein of parent grievance over what and how schools teach about race, racism and American history.

- [If it's not critical race theory, it's critical race theory-lite](#) [Opinion, NYT] - On the eve of the [Virginia governor] election, Fox News's Juan Williams wrote that Republicans have seized on CRT as "a boogeyman to excite racial divisions and get their base to the polls." A common justification for this view is the observation that CRT is in fact not being taught in Virginia's schools or anywhere other than law schools and university seminars and that political opposition to it is cover for something smaller and meaner. The problem lies in the name "critical race theory." It's a no-brainer that the legal doctrine developed decades ago by scholars such as the Harvard Law professor Derrick Bell and the Columbia University and UCLA law professor Kimberlé Crenshaw is not being taught to tots. It's difficult, certainly, to imagine a grade-school teacher in front of a classroom teaching this kind of thing. However, this "critical" approach has trickled down, in broad outline, into the philosophy of education-school pedagogy and administration — call it CRT-lite or, if you prefer, CRT Jr. — and from there migrated into the methods used by graduates of those education programs into the way they wind up running schools. An implication some educators draw from these tenets is that various expectations of some of their students, based on what are generally thought to be ordinary mainstream assumptions, are instead onerous stipulations from an oppressive white-centric view. Hence an idea that it is white to be on time, arrive at precise answers and reason from A to B, rather than holistically, etc. Again, this is not what decades-old critical race theory scholarship proposed, but yes, the idea is descended from original CRT's fundamental propositions about white supremacy. In Virginia itself, the Department of Education's website has a page devoted to "Anti-racism in Education," and at the end of a long list of "Terms and Definitions" it reads, "Drawing from CRT, the term 'white supremacy' also refers to a political or socio-economic system where white people enjoy structural advantage and rights that other racial and ethnic groups do not, both at a collective and an individual level." These guidelines, apparently sanctioned by state departments of education, contradict the notion that concepts derived from CRT — or are, at least, CRT-lite — is nowhere near our schools, that the CRT-in-schools debate "isn't real," merely a fiction designed to cloak racism. In some cases, evidence of CRT-lite is easier to spot at various private schools. Granted, governors can't "ban" private school curriculums, but the experience at some tony New York prep schools, for instance, demonstrates how CRT-lite isn't simply found in teacher trainings but can make its way into the classroom and schools' educational philosophy. Some of those who say that CRT isn't being taught in schools may not be aware of these developments. Others most likely are, and suppose that they are healthy, that this is indeed how education should be. That's a respectable stance, but one ought not harbor it in disbelief that any intelligent, morally concerned person could feel differently. One can ardently support that students learn about racism and its legacies in a way that doesn't crowd out obvious lessons about the history of undeniable racial progress. One can do that while questioning whether students should be immersed in a broader perspective that offers overbroad, clumsy and, frankly, insulting portraits of what is inherently white and what is Black, Latino, Asian American or Native American, and fosters — even if unintentional — a sense of opposition between the groups in question. To be sure, voices on the political right, including Youngkin, must do better when it comes to specifying what they oppose. They, and we, would be better off if they explained that they oppose philosophies influenced by critical race theory, rather than claiming CRT itself is being taught. Bills intended to ban the teaching of CRT-lite shouldn't be worded as if the intent was to ban the teaching of anything about race at all. And if that's what any of these bills do mean, they should spell it out in clear language in order to expose that intent to debate — one within which I would be vociferously opposed, I should note. But the insistence that parents opposed to what is being called CRT are rising against a mere fantasy and simply enjoying a coded way of fostering denial about race is facile.

- **[Opinion: The danger of critical race theory](#)** [WP] - For advocates of CRT, the only solution to systemic oppression is the “inversion of color power,” Guelzo explains. So while most Americans oppose racial discrimination, CRT embraces it. Ibram X. Kendi, one of CRT’s leading advocates, openly [declares](#): “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.” This is the opposite of what the civil rights movement stood for. The Rev. Martin Luther King Jr. did not argue that America was systemically racist; he argued that racism was un-American. He appealed to the Enlightenment ideals contained in what he [called](#) our “magnificent” Declaration of Independence and Constitution, and [declared](#) his goal was to take “the whole nation back to those great wells of democracy, which were dug deep by the Founding Fathers.” King argued Bull Connor, head of the Birmingham, Ala., police, and the Southern racists were violating the principles of the American founding. But CRT argues the opposite — that Connor was the fulfillment of the American founding, because America was founded to perpetuate white supremacy. Why is this dangerous? As Richard M. Weaver famously said, “[Ideas have consequences](#).” Critical theory has led to the rise of ideologies that have killed millions. “We have paid severe prices at those moments when people have lost faith in reason and decided to defect to something else,” Guelzo [says](#). “Those are the moments when genocide rears its hideous head.” By rejecting reason, he argues, CRT could provoke a backlash that drives others “into equal, but opposite irrationality” such as “genuine white supremacy. . . . If your CRT is impervious to questioning and evidence, then fine: I will retreat into my CRT and it too will be impervious to evidence and the questioning. At which point then the only solution becomes violence.” This is why CRT is so dangerous — and must never be used to indoctrinate America’s children.

## UF

- **[UF president responds as objections mount over academic freedom, political meddling](#)** [GS] - The UF Faculty Senate is expected to launch investigations into the [hiring of Dr. Joseph Ladapo](#) and the administration's decision to [block three professors as paid expert witnesses in a federal voting rights lawsuit](#). “This is something that needs to be addressed,” said David Bloom, president of the UF Faculty Senate, speaking of concerns related to Ladapo's appointment within the College of Medicine. Ladapo also was named state surgeon general by Gov. Ron DeSantis. Bloom said he will ask the Faculty Senate on Thursday to create a committee to investigate the Ladapo hiring, and also plans to organize a committee to look into the denial of requests from three professors to work as expert witnesses. A third Faculty Senate group will look into UF's post-tenure review process. “It is unusual” to have three simultaneous investigations underway, Bloom said Monday evening. “My role is to protect the faculty.” **Hiring Ladapo:** [Florida Surgeon General Ladapo was rushed into UF College of Medicine job, emails show](#). Also late Monday, UF President Kent Fuchs and Provost Joe Glover issued a statement that affirmed the university's commitment to free speech and academic freedom. The statement went on to say “we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity.” The policy in question was last revised on Nov. 10, 2020, according to its UF webpage.

- **[UF damaging its reputation by preventing professors from testifying in cases against state](#)** [GS, editorial board] -



By silencing its scholars for political reasons, UF is quickly destroying the reputation that it worked so long and hard to build up. Recent news reports have revealed that UF has [prevented several faculty members from testifying in legal cases](#) against the state since last year. In their bumbling response to the ensuing controversy, university officials have failed to coherently explain their policy and address concerns that they buckled to political pressure from Gov. Ron DeSantis. The New York Times [first reported](#) that UF officials barred three professors from testifying in a case challenging a [state voting law](#), because the university is a state institution and doing so would be “adverse to UF’s interests.” A UF spokeswoman later [told The Sun](#) that the professors would be allowed to act as witnesses, as long as they are unpaid and don't use university resources or time. But a subsequent [report by Miami Herald/Tampa Bay Times Tallahassee Bureau](#) showed that the university put different restrictions on other professors that kept them from testifying, in cases involving the state’s ban on mask mandates and former felons being kept from voting. The story documented a shifting policy, with the only consistent factor being that UF kept faculty from challenging measures championed by DeSantis and the Republican-controlled Legislature.

- **[Totalitarianism takes aim at higher education](#)** [CHE] - The university has declared itself an arm of Ron DeSantis’s government.
- **[Stand up for what you believe, President Fuchs](#)** [CHE] - At UF, the time for strategizing and threading needles is over. Republicans defending the restrictive law at the center of the controversy rocking the state’s flagship hired a FIU professor to testify about it. His university signed off without issue.

- **[Unraveling UF's ultimate decision-makers: The Board of Trustees and its lack of diversity](#)** [Alligator] - Perhaps the most influential authority is a group that few know about. A group that “sets policy,” “holds the institution’s resources in trust,” “is responsible for [resources’] efficient and effective use” and, most importantly, “serves as the institution’s legal owner and final authority.” At the UF, that group is known as the [Board of Trustees](#). “Everything that the board does directly or indirectly affects students one way or another. Even if they don’t realize it,” said Steve Orlando, UF’s assistant VP for communications, to [The Alligator this past summer](#). The Board of Trustees consists of 13 members. Florida statutes outline the selection process: Six of the trustees are appointed by the governor of Florida, and another five are chosen by the [Florida Board of Governors](#) (BOG), which serves as the governing body for the State University System of Florida. These 11 trustees are subject to confirmation by the Florida Senate. The 12th trustee is the chair of the Faculty Senate, and the 13th is the president of the student body. Eleven of the trustees are white, and 11 are male, with the two people of color being men and the two women being white. [Professionally](#), six of the trustees have worked as business managers or CEOs, four come from the law field and two are in the medical profession. The BOT exhibits cultural, racial, occupational, gender and political homogeneity. Under the current system, it is impossible to ensure that the trustees will ever descriptively and substantively represent our university’s population. According to public Federal Election Commission (FEC) filings, [all but two of the trustees have made donations to conservative funds, Political Action Committees \(PACs\) or individuals since 2015](#). The Board’s one noncontributor is student body president Trevor Pope, and its one trustee who has exclusively donated to liberals is Faculty Senate chair Sylvain Doré. Pope and Doré were elected by either students or faculty senators, making them the only democratically elected individuals on the board. All other BOT members, who were appointed by the governor and BOG, have made conservative political contributions.
- **UF Faculty Senate *ad hoc* Committee on Academic Freedom** - UF Faculty Senate has formed a special *ad hoc* committee on Academic Freedom. The charge of this special *ad hoc* committee is to gather information and report back to the Faculty Senate on UF practices that affect the ability of UF faculty to engage in outside activities that are normally accepted as appropriate scholarly activities of university faculty. This includes, but is not limited to, expert witness engagement, writing of op ed pieces, and consulting. This special Senate Committee is separate from the President’s Task Force on Expert Witness engagements. The Senate committee will consider outside activities of faculty in a broader context to reflect the range of concerns over academic freedom that we are hearing from faculty across the campus. Committee Members include:
  - R. Raymond Issa, Chair (Distinguished Professor and Director, Center for Advanced Construction Information Modeling, Rinker School of Construction Management)
  - **Angela Kohnen** (Associate Professor, School of Teaching & Learning, College of Education)
  - Michael Bernhard (Ehrlich Eminent Scholar Chair, Department of Political Science, CLAS)
  - Robert Cousins (Eminent Scholar and Boston Family Professor of Nutrition, Department of Food Science & Human Nutrition, IFAS)
  - Sarah Lynne (Associate Professor, Department of Family, Youth & Community Sciences, IFAS)
  - Danaya Wright (Sessums and Sohn Professor in Constitutional Law, College of Law and former Faculty Senate Chair)
- **[UF names Marsha McGriff chief diversity officer](#)** [GS] - UF announced that Marsha McGriff has accepted the position of chief diversity officer and senior adviser to the president. McGriff currently serves as the associate vice president for inclusive excellence at Ball State U. She will assume her new role at UF on Dec. 6.

COE

- UF receives \$5M to help low-income K-12 students learn computer science** [GS] - UF will help develop computer science education programs for teacher preparation across the state using a \$5M gift announced Wednesday. Ken Griffin, the founder and chief executive officer of Citadel, gave UF one of four parts of a \$20M gift going to universities to implement CSforED, which is an initiative focused on increasing high-quality computer science education. The announcement was made by CSforAll, which is the central resource that includes CSforED, at the DEI Innovation Summit. The \$5M gift will be used to build an online community for teachers across the state to learn about computer science education, for materials and resources to teach these technical and instructional strategies and for materials to help teachers prepare for and pass the Florida Teacher Certification Examination to teach computer science, said **Maya Israel, a UF associate professor in educational technology**. Israel said the development of programs to help teachers become certified to teach computer science will help increase accessibility to computer science education for lower-income students, since children from more affluent communities predominantly had access to this education. The materials are also meant to broaden participation in computer science for female students, students who are in a lower socioeconomic class and for students with disabilities. “When students are engaged with technology in meaningful ways or are creating things that are motivating them, it captures their creativity and their learning becomes really relevant,” Israel said. Schools can’t offer computer science without a trained teacher, said Lisa Milenkovic, the curriculum supervisor for STEM and computer science at Broward County Public Schools. She said she’s excited about the \$5M gift since it will help develop training materials for their teachers to pass the certification exam. Initially, Broward County would train its English or media teachers in computer science instruction, but it’s not the same as having college-level or graduate-level content for computer science, Milenkovic said. “They don’t know Java programming,” Milenkovic said. “They’re good teachers, but they don’t have foundational knowledge.” The university will also be working with multiple computer science education leaders across the state, such as northeast Florida’s STEM2 Hub, which is an organization that produces resources and advocates computer science education and training. In 2018, former Gov. Scott signed HB 495 into law, which required computer science to be taught in middle and high schools throughout the state. However, lots of schools had a hard time offering computer science because of the shortage of teachers who are eligible to teach it, Israel said. Because of that, UF developed a teacher certificate program in computer science education and later launched a master’s program to help teachers get certified in computer science education. The development of the online community and the resources for the program will be led by Israel in a phased rollout throughout the next few years.
- Chelsea Maxwell** - Please welcome Chelsea who will be providing administrative support to the COE Advancement team. Her email is: [cmaxwell@coe.ufl.edu](mailto:cmaxwell@coe.ufl.edu) and her phone is: 273-4140.
- UF's Norman Hall might have a few permanent residents** [GS] - The Gainesville Sun featured 11 exceptional photographs of beautiful historic Norman Hall and its unique architectural features prior to Halloween.

Dedication Day for the original PK Yonge Laboratory School in what is now Norman Hall, 1934. Norman Hall.



Dedication Day - February 17, 1934

One of the older building on campus, has undergone a more than \$30M renovation in preparation of the coming school year. July 17, 2020.

People walk past the front entrance during the groundbreaking ceremony for the Norman Hall Rehabilitation project.



Historic details of newly renovated Norman Hall.



The outside of the newly renovated Norman Hall at UF College of Education, July 17, 2020.



- **Social Media** - Enjoy great posts by your colleagues and contribute your own. Join in the fun! Follow the COE on social media, including: [Facebook](#), [Instagram](#), [LinkedIn](#), [TikTok](#), and [Twitter](#)!

**Kudos**

- **Frank Fernandez** was selected to be a 2022 Global Fellow by the UF International Center.

**Events**

- **International Education Week is November 15-19.** Join in the fun with the Ice Cream Truck Social on Tuesday Nov 16 at 5:30PM, followed by International Movie Night in the Norman Conference Center at 6PM.
- **[Drop in with the deans](#)** - Drop in with the deans continues on an every-other-week schedule. Our next gathering is Wednesday, November 17<sup>th</sup> from 1-1:30PM.
- **COE Holiday Party** will be held in the new Norman Conference Center on Friday, December 10<sup>th</sup> from 6-8PM.
- **Norman Hall Grand Reopening Celebration is postponed** -- Due to changes in the BOT agenda, this event has been postponed to a new date TBD.

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Remain safe and be well! *Go EduGators!! Go Gators!!*

Glenn

\*\*\*\*\*

Glenn E. Good, Ph.D.  
 Dean and Professor  
 College of Education  
 University of Florida  
 352/273-4135

[GGood@ufl.edu](mailto:GGood@ufl.edu)

Follow the UF COE on [Facebook](#), [Instagram](#), [LinkedIn](#), [TikTok](#), and [Twitter](#)!

\*\*\*\*\*

**From:** [REDACTED]

**Sent time:** 11/12/2021 03:58:06 PM

**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover, Joseph <jglover@aa.ufl.edu>; Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft, John <john.kraft@warrington.ufl.edu>; Rosenbury, Laura Ann <rosenbury@law.ufl.edu>

**Subject:** Save Academic Freedom

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To UF administration and members of the task force,

We, as members of the UF community, stand in solidarity with professors trying to utilize their right to free speech to testify as expert witnesses. The University's policy is completely unjust and we acknowledge the University's efforts to reexamine this policy. However, this effort does not go far enough to ensure that UF completely embodies academic freedom. Below, you can find our demands.

1. Allow all UF Professors including Drs. Austin, McDonald, and Smith to provide paid expert testimony in any and all instances.
2. Stop the interference of free speech campus-wide. Professors and students should not have to be concerned that their voices will be silenced.
3. UF must stand for voting rights across the state and commit to assisting the effort to stop voter suppression in Florida.
4. UF must formally reassure the community that the mission of this university is not based on any of the political interests of current officeholders and must stand as an apolitical institution of higher learning.
5. UF must suspend the requirement that forces UF faculty to report outside activity using the UFOLIO system as the University has failed to use this information in a responsible and ethical manner.

We, as a community, will continue to stand against these policies until we see that they are taken seriously and addressed in a formal and public manner.

Sincerely,

[REDACTED]

**From:** Glover,Joseph  
**Sent time:** 11/12/2021 04:05:56 PM  
**To:** Steve Orlando (sfo@UFL.EDU) <sfo@UFL.EDU>; Fernandez, Hesty <hesselin.fermand@ufl.edu>  
**Subject:** FW: Save Academic Freedom

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**From:** [REDACTED]

**Sent:** Friday, November 12, 2021 3:58 PM

**To:** President, University of Florida (Kent Fuchs) <president@UFL.EDU>; Glover,Joseph <jglover@aa.ufl.edu>; Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft,John <john.kraft@warrington.ufl.edu>; Rosenbury,Laura Ann <rosenbury@law.ufl.edu>

**Subject:** Save Academic Freedom

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We, as a community, will continue to stand against these policies until we see that they are taken seriously and addressed in a formal and public manner.

Sincerely,  
[REDACTED]

**From:** Glover,Joseph  
**Sent time:** 11/14/2021 09:02:11 PM  
**To:** Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft, John <john.kraft@warrington.ufl.edu>; Rosenbury, Laura Ann <rosenbury@law.ufl.edu>  
**Cc:** Glover, Joseph <jglover@aa.ufl.edu>; Steve Orlando <sfo@UFL.EDU>; Paton, Nancy <nancypaton@ufl.edu>; Holt, Rebecca J <bholt@ufl.edu>  
**Subject:** Monday 8:30 Task Force meeting  
**Attachments:** UF COI Resources.pdf

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Dear Task Force members:

I suggest the following agenda for our meeting tomorrow (Monday) at 8:30 a.m.

#### Agenda

1. Process associated with disclosure and review of outside activities, particularly referencing expert witness testimony.
2. Preliminary thoughts on any recommendations re: policy changes.

I have attached an overview of UFOLIO processes for your use. You may also want to consult the resource-rich COI Program website. <https://coi.ufl.edu/> There are references for “Who Reviews Disclosures” and “What is Being Reviewed” that may be of particular interest.

# OUTSIDE ACTIVITIES

## FUNDAMENTAL CONSIDERATIONS FOR UF EMPLOYEES

All UF employees, whether 9-, 10-, or 12-month, must obtain advance approval to perform outside activities while on appointment.

### MUST NOT COMPETE WITH OR DO BUSINESS WITH UF



Activities must be consistent with the Florida Code of Ethics and not compete with University services.

**Special considerations for:**

- Buying from or selling goods or services to UF
- Financial interests in entities competing with UF
- Employment or contracts with UF business partners

### MUST NOT INTERFERE WITH PERFORMANCE OF RESPONSIBILITIES TO UF



Commitment to outside entities must not detract from fulfilling UF duties.

Participation must adhere to other UF policy standards and contract obligations, such as data security, intellectual property, etc.

### MUST AVOID USE OF UF RESOURCES



Using UF resources on a more than incidental basis for private gain presents potential state ethics issues.

Using personal resources reduces confusion as to whether UF is involved, sponsoring, or owns the work. Activities must be conducted on one's own time.

## REPORTING ROLES & RESPONSIBILITIES

### EMPLOYEE

- Is transparent
- Requests approval in advance of performing outside activity
- Provides complete information to ensure informed judgment
- Adheres to any management plan
- Accounts for time away from UF, as appropriate
- Informs of any changes

### CHAIR/SUPERVISOR

- Considers nature and appropriateness of outside activity
- Assesses employee's proposed time commitments
- Determines if outside activity would negatively impact employee's UF work performance or inappropriately influence employee's UF role
- Advises whether activity competes with UF programs or services

### DEAN/DIRECTOR/VP

- Reviews activity for appropriateness and allowability from college/unit perspective

### COI PROGRAM

- Performs final review of all disclosures submitted within UFOLIO

### Out-side Ac-tiv-i-ty

/outsīd/ /ak'tivedē/ - noun

**Definition:**

Those activities that draw upon the expertise, knowledge, skills, or abilities employees use to fulfill institutional responsibilities and are performed for outside entities.

**Examples include:**

- external employment related to UF expertise
- consulting related to UF expertise
- teaching appointment at another university
- expert witness services
- industry advisory board participation



## Level 1 Review Checklist

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All Level 1 Reviewers in UFOLIO are expected to conduct a basic review of disclosures from a supervisory perspective. Level 1 reviewers are NOT expected to review disclosures or contracts for technical details which will be covered by the COI Program in the Level 2 review. By approving a disclosure, Level 1 reviewers are acknowledging they have considered the following:

- 1. Completeness:** The disclosure is complete and provides enough information to clearly describe the activity or interest.
- 2. Job Performance:** The discloser is fulfilling all UF job responsibilities and reviewer does NOT expect the disclosed activity/interest will negatively impact discloser's job performance.
- 3. Time Commitment:** The discloser's total time commitment for all disclosed outside activities/interests appears reasonable given the discloser's FTE. (Any total time commitment in excess of 8 hours per week will require additional justification from the reviewer.)
- 4. Influence:** Reviewer does NOT expect the activity/interest would inappropriately influence the discloser in their UF role in any way (e.g., purchasing decisions, research integrity, clinical care, etc.).
- 5. Competition with UF:** Reviewer does NOT think the activity or interest will compete with UF programs or services.
- 6. Appropriate as Outside Activity:** Reviewer does NOT think the activity or interest would be more appropriate to do within UF as part of the discloser's UF role (e.g., research, online teaching, etc.).



# Ancillary Reviews in UFOLIO

When a disclosure is submitted in UFOLIO, it undergoes a minimum of two reviews: one by the employee's supervisor ("Level 1") and one by the COI Program ("Level 2"). However, depending upon the type and nature of the disclosure, additional review by subject matter experts (SMEs) known as Ancillary Reviewers may be necessary before the COI Program can complete the Level 2 Review. Below is each type of ancillary review within UFOLIO along with general criteria which are likely to prompt that type of ancillary review.

## Division of Sponsored Programs

### **PROMPT:**

- Research-related activities you plan to conduct outside of UF

The Division of Sponsored Programs facilitates institutional approval for all research proposals submissions, accepts & administers grant awards, & negotiates contracts and other research-related agreements on behalf of the University.



## Office of General Counsel

### **PROMPT:**

- Disclosures that raise legal issues that warrant UF attorney review

The Office of General Counsel provides legal advice & representation to UF, its component units, & affiliated entities, & to its employees while acting within the scope and course of their employment.

## Dean/Director

### **PROMPT:**

Specific to each college/unit as requested by the dean/director's office or equivalent

Dean/Director ancillary routing can be done automatically for all disclosures, only prior to a disapproval, only when the COI Program deems it necessary, etc.

## Intellectual Property

### **PROMPT:**

- Contract includes language that may inappropriately assign to an outside entity UF's intellectual property rights
- Nature of activity entails possibility or likelihood of IP creation

Outside activities that involve intellectual property rights must be reviewed for compliance with UF's Intellectual Property Policy.

## Expert Witness

### **PROMPT:**

- Performing legal consulting/ expert witness services on any matter relating to health/healthcare

UFOLIO automatically routes disclosures for Expert Witness Ancillary review if the matter is identified as health-related. Expert witness review is performed by the UF Self-Insurance Program.

## Research/Licensing

### **PROMPT:**

- Any outside activity with an entity that sponsors your UF research or licenses your UF technology

Florida law requires a special approval/exemption process under certain situations when an entity sponsors your UF research or licenses your UF technology. Research/Licensing review is performed by UF Research Integrity.

## International

### **PROMPT:**

- Any activity with a foreign entity, or any activity which will be performed outside the US

Disclosures with any foreign aspect are automatically routed for International Ancillary review after Level 1 approval. International review is performed by UF Research Integrity.

FL-UF-21-1634-A-000386

## UFOLIO Review Level Examples

Version 1.0 | April 22, 2020



The Conflicts of Interest Program reviews disclosures submitted through UFOLIO by considering various risk factors and applying a heightened level of scrutiny for disclosure types that commonly present higher risk. This document illustrates how the COI Program generally applies different levels of scrutiny to different types of disclosures. The COI Program focuses on key issues and considerations related to various laws, policies, and guidelines governing the conduct of UF employees, and each disclosure presents unique circumstances. Even disclosures that generally warrant low level scrutiny may ultimately be disapproved if circumstances otherwise warrant disapproval (e.g., unacceptable use of UF resources, excessive time commitment, etc.). Further, there may be specific college or department level guidelines that place additional restrictions on the outside activities and interests of employees. This document is intended for illustrative purposes only and is not an exhaustive list of disclosure types.

For all disclosure types, the COI Program considers risk factors such as the following:

- Discloser's authority level at UF.
- Discloser's authority level at the outside entity.
- Compensation amount or financial interest involved.
- Level of time commitment involved.
- Whether UF resources or students will be involved.
- Whether entity does business with UF.
- Whether the entity or activity will compete with UF programs or services.
- Whether the activity may adversely impact UF's interests.
- Whether the activity relates to outside research that should be coordinated through UF.
- Whether the entity sponsors discloser's UF research.
- Whether the entity may license UF technology invented by the discloser.
- Whether the activity may result in the discloser creating intellectual property.
- Whether the activity/interest may impair the discloser's ability to faithfully fulfill UF responsibilities.

### Low Scrutiny:

*These types of activities are generally approved, absent unusual circumstances.*

1. **Writing/Editing/Speaking:** Writing or editing a publication or engaging in professional speaking activities related to UF expertise. These activities may often be considered part of one's UF assignment ('inside' activities), and in such cases should not be reported in UFOLIO.
2. **Expert Witness/Legal Consulting:** Serving as an expert witness or legal consultant for a case that is not likely to adversely impact UF's interests. Cases involving healthcare require additional review by the Self Insurance Program (SIP) Office.

### Moderate Scrutiny:

*These types of activities are commonly approved if circumstances warranting higher level scrutiny are not present. However, these activities often warrant ancillary review, and approval may be contingent upon mitigation or other conditions (e.g., contractual changes, monitoring plans, etc.).*

1. **Employment & Professional Services:** Outside employment, consulting, or other professional services related to UF expertise that does not otherwise include circumstances listed in the high scrutiny level (for example, a College of Medicine physician will be consulting for a pharmaceutical company, serving on an advisory board, etc.).

2. **Leadership Roles:** Business leadership roles where the discloser is not involved at UF in decisions regarding business between the entity and UF, if any (for example, discloser from the College of Law will be serving on the Board of Directors for the National Society of Law Professors).
  3. **Teaching Appointment:** Holding a teaching appointment at an outside entity where the time commitment or other responsibilities to the outside entity would not impair discloser from faithfully fulfilling all UF responsibilities.
- 

### **High Scrutiny:**

*These types of activities are generally the highest risk and subject to the highest level of scrutiny. These activities may be disapproved if the circumstances are such that the potential conflict cannot sufficiently be mitigated.*

1. **Business with UF:** Financial interest in or a leadership, employment, or contractual relationship with an outside entity that does business with UF, or that benefits from discloser's UF affiliation, where the relationship does not fit into a statutory exception (for example, discloser has ownership in a construction company that is contracting with UF to provide construction services to UF).
  2. **Intellectual Property (IP):** Creating anything in one's UF field/expertise that is likely to result in a patent that should belong to UF pursuant to UF's IP Policy (for example, discloser from the College of Engineering will be engaged by an outside company to assist the company in creating a new engineering device).
  3. **Research:** Outside research activities that should be coordinated through UF as part of one's UF role (for example, discloser from the College of Education will be consulting for another institution or company to conduct research activity that is within the scope of the College of Education and the discloser's expertise).
  4. **Research Sponsors & IP Licensees:** Any outside activity, financial interest, or management position in an outside entity that sponsors discloser's UF work or licenses intellectual property/technology from UF (for example, discloser will be doing any consulting for Company A, while Company A also sponsor's discloser's UF research; or discloser will be consulting for Company B, and Company B licenses technology from UF which discloser invented).
  5. **Competition:** Any activity/interest that would directly compete with programs/services offered by UF (for example, discloser will provide outside healthcare services that will directly compete with the College of Medicine's healthcare programs).
  6. **International:** High risk international issues as determined by UF Research Integrity (for example, discloser will be traveling to consult or work for a foreign institution that is on a restricted entity list of the U.S. federal government).
- 

**Additional Resources:** Please visit the Conflicts of Interest Program website for additional resources related to the UFOLIO system, conflicts of interest, and requirements applicable to UF employees:  
[www.coi.ufl.edu](http://www.coi.ufl.edu).

**UFOLIO 11 Questions**

1. Do you or your spouse, child or relative have a management position (e.g., officer, director, partner, proprietor), or a material financial interest (more than 5% ownership interest) in an outside entity that enters into agreements or contracts with UF (e.g., service agreements, leases, sales agreements) or does business with UF in any capacity?
2. Do you or your spouse or dependent child have a financial interest of \$5,000 or more in a publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? “Financial interest” consists of the aggregate value of any remuneration received from the entity and any equity/ownership interest (including stock, stock option, or other ownership interest) in the entity as of the date of disclosure. [Note: Remuneration includes any payment or compensation for services received from the entity in the twelve months preceding the disclosure. Do not include income or any equity/ownership interest from independently managed investment vehicles like mutual funds or retirement accounts.]
3. Do you or your spouse or dependent child receive remuneration of \$5,000 or more from or have ANY equity/ownership interest (including stock, stock option, or other ownership interest) in a non-publicly traded entity where the financial interest reasonably appears to be related to your institutional responsibilities? [Note: Remuneration includes any income or payment for services received from the entity in the twelve months preceding the disclosure.]
4. Are you a candidate for public office or do you hold public office?
5. Do you have or are you seeking approval to hold a teaching appointment with any entity other than UF?
6. Do you conduct or are you seeking approval to conduct any research at, or receive any research funding from or through, any entity other than UF? [Note: Research conducted at outside entities as part of a UF sponsored project or research funding received by UF does not need to be disclosed.]

7. Do you require or are you seeking approval to require students to purchase works used in your classroom you or your spouse created, authored or co-authored (e.g., textbook(s), computer software, electronic or digital media) and for which you or your spouse will receive, or anticipate receiving payment, loan, subscription, advance, deposit of money, service, or anything of value?
8. Do you receive royalties, licensing fees or any income of \$5,000 or more from intellectual property rights and interests (e.g., patents, copyrights) related to your UF expertise from any entity other than UF?
9. Do you serve or are you seeking approval to serve as an expert witness or engage in consulting in a legal matter such as a lawsuit or a potential lawsuit?
10. Do you provide or are you seeking approval to provide paid or unpaid professional services related to your UF expertise to an outside entity?
11. Do you have a paid or unpaid senior management, administrative, or leadership role related to your UF expertise with an outside entity where you make executive business or financial decisions on behalf of the outside entity?

# CONFLICTS OF INTEREST IN THE NEWS

## RECENT UPDATES

Important COI News from UF and around the world

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NEWS

Santa Clara, California During Tuesday's Stadium Authority meeting, the Board opted to continue adopting new guidelines for the conflict of...

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[ALL POSTS →](#)

**From:** Glover,Joseph  
**Sent time:** 11/14/2021 09:08:21 PM  
**To:** Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft,John <john.kraft@warrington.ufl.edu>; Rosenbury,Laura Ann <rosenbury@law.ufl.edu>  
**Cc:** Steve Orlando <sfo@UFL.EDU>; Paton,Nancy <nancypaton@ufl.edu>; Holt,Rebecca J <bholt@ufl.edu>; Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** RE: Monday 8:30 Task Force meeting  
**Attachments:** Minutes-November 12 2021.docx

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Sorry, I forgot in the last email to append the draft minutes we can edit and approve tomorrow!

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**From:** Glover,Joseph <jglover@aa.ufl.edu>  
**Sent:** Sunday, November 14, 2021 9:02 PM  
**To:** Vogel Anderson, Katherine <kvanderson@cop.ufl.edu>; Brown, Hub <hub.brown@ufl.edu>; Calvert, Clay <ccalvert@jou.ufl.edu>; Terra DuBois <tdubois@ufl.edu>; Kraft,John <john.kraft@warrington.ufl.edu>; Rosenbury,Laura Ann <rosenbury@law.ufl.edu>  
**Cc:** Glover,Joseph <jglover@aa.ufl.edu>; Steve Orlando <sfo@UFL.EDU>; Paton,Nancy <nancypaton@ufl.edu>; Holt,Rebecca J <bholt@ufl.edu>  
**Subject:** Monday 8:30 Task Force meeting

Dear Task Force members:

I suggest the following agenda for our meeting tomorrow (Monday) at 8:30 a.m.

#### Agenda

1. Process associated with disclosure and review of outside activities, particularly referencing expert witness testimony.
2. Preliminary thoughts on any recommendations re: policy changes.

I have attached an overview of UFOLIO processes for your use. You may also want to consult the resource-rich COI Program website. <https://coi.ufl.edu/> There are references for “Who Reviews Disclosures” and “What is Being Reviewed” that may be of particular interest.

**President's Task Force on Outside Activities**  
**Tuesday, November 12, 2021**  
**Minutes**

**Task Force Members:**

Joseph Glover, Provost and Chief Academic Officer, Task Force Chair

Katie Vogel Anderson, Clinical Associate Professor, College of Pharmacy

Hub Brown, Dean, College of Journalism and Communications

Clay Calvert, Professor of Law and Professor of Journalism and Communications

Terra DuBois, Chief Compliance, Ethics and Privacy Officer

John Kraft, Professor and Susan Cameron Chair of International Business, Warrington College of Business

Laura Rosenbury, Dean, Levin College of Law

Task Force Chair Joseph Glover called the meeting to order at 8:01 a.m.

Chair Glover asked for a motion to approve the minutes from the November 9, 2021, meeting, which was made by Laura Rosenbury and seconded by Clay Calvert. With no further discussion, the minutes were approved unanimously.

Chair Glover introduced Randall Jenkins, Senior Vice President and General Counsel for UF Health to discuss the process for approval/denial of expert testimony disclosures by doctors and other medical professionals within UF Health.

Randall Jenkins indicated that UF Health sees approximately 800 conflict of interest cases a year. 98% of them are approved. In the other 2% of the cases, their office calls the provider and lets them know there could be a conflict because UF is involved and usually the doctor/medical professional decides not to testify.

Clay Calvert and Laura Rosenbury lead a discussion on freedom of speech -- specifically the government employee speech doctrine. Calvert stated that government/state employees have first amendment rights and went through 3 US Supreme Court cases that are considered leading cases on freedom of speech. He explained that when expressing your views you have to consider whether the issue involves you as a private citizen or public citizen.

Chair Glover proposed for the task force meeting on Monday to consider what we have learned so far to draft proposed recommendations. He also asked Terra DuBois to lead the discussion on the process that UF has in place so the committee can start looking at what changes may be needed to the processes and procedures.

Katie Vogel Anderson requested that the outcomes of any policy or recommendation be shared with the faculty. Her concern was the lack of transparency that faculty have received on their requests. Chair Glover indicated that the recordings and minutes would be made available to anyone who wishes to see them.

The meeting was adjourned at 8:59 a.m.

**From:** Glover,Joseph  
**Sent time:** 11/15/2021 09:27:49 AM  
**To:** Paton,Nancy <nancypaton@ufl.edu>  
**Subject:** RE: Friday Update

Yes, I'm on his mailing list.

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**From:** Paton,Nancy <nancypaton@ufl.edu>  
**Sent:** Monday, November 15, 2021 9:25 AM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** FW: Friday Update

For your awareness...

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**From:** Good,Glenn E <ggood@coe.ufl.edu>  
**Sent:** Friday, November 12, 2021 3:32 PM  
**To:** COE-L-EVERYONE <COE-EVERYONE@ad.ufl.edu>  
**Subject:** Friday Update

Greetings EduGator Community-

Events during the past weeks have thrust UF into the national spotlight, with some calling into question the University's commitment to the principles of academic freedom and freedom of speech under the First Amendment as well as its degree of freedom from political influence (exemplar articles appear below). The University's administration reversed its decision and announced the formation of a task force to explore the issues surrounding conflict of interest.

The COE issued a [statement affirming our support for academic freedom and freedom of speech](#). Challenges aside, the COE has much good news, including our receipt of one of only four \$5M gifts being awarded nationwide to advance computer science education (article below). Over in the Office of Education Research, Brian Lane observed that faculty submitted exactly twice as many proposals (26!) for external funding compared to the same month in 2020. Congrats to busy faculty and staff!

We have also posted our new Associate Dean for Faculty Affairs and Diversity, Equity, Inclusion, and Community Engagement position description. Further, our historic Norman Hall was featured in the online version of the Gainesville Sun prior to Halloween, with images depicting hints of the friendly spirits that may reside within! (see a few of the photos below). On with further updates!

**Politics, Education, and Critical Race Theory** – CRT has returned to the top of national politics and news.

- From GS/politicalcartoons.com



- [Critical race theory, mask mandates dominate 2021 school board elections -- is 2022 next?](#) [USA TODAY] - Dozens of races across the country amounted to a [tug-of-war over education policies](#), from [school mask requirements](#) to [history curricula](#). While conservatives capitalized on education culture wars to win the highest-profile election, [for Virginia's next governor](#), results in other contests were mixed. Races in 76 school districts across 22 states featured candidates who took a stance on race in education or critical race theory, according to Ballotpedia, a political tracking website. [Critical race theory](#), a graduate-level law school concept that examines systemic racism, is seldom taught in schools. It has nevertheless inflamed conservatives, previewing a valuable [political tool for Republicans](#) in the 2022 midterm elections. Critical race theory, DEI: [What do those terms really mean?](#) Conservatives [campaigning against critical race theory](#) secured school board seats in several suburbs across the country, from Douglas County, Colorado, to Southlake, Texas. In Virginia's razor-tight governor's race, Republican Glenn Youngkin ran on a platform touting parental control of schools and attacking progressive-led initiatives designed to make schools more inclusive. Youngkin secured a victory Tuesday night with 50.7% of the vote, a major upset for Democrats in a state where President Joe Biden won by 10% last year.

- [Abbott, DeSantis in race to the right](#) [Austin-American Statesman/USA Today/GS] - Seeking to lead across a broad spectrum of hot-button conservative issues, from fighting mask mandates and vaccination mandates to limiting teaching of race ... Texas Governor Abbott and Florida Governor DeSantis appear locked in a duel for a Republican base of voters eager to recapture the White House. ...**Critical Race Theory** – Abbott and DeSantis almost clanged in to each other weeks ago in their attack on CRT, a favorite target of conservative media. DeSantis’ Board of Education also barred CRT from schools, with the Florida governor saying educators were “trying to indoctrinate (students) with ideology,” although failing to provide any proof that was happening.
- [Parental say in schools, resonant in Va. governor’s race, bound for GOP national playbook](#) [WP] -



Republican Glenn Youngkin trailed his opponent for much of the Virginia governor’s race, struggling to stir enthusiasm with his criticism of the state’s economy, questioning of U.S. election integrity and self-portrayal as a likable moderate in a red fleece vest. But in the late weeks of the campaign — which culminated early Wednesday morning in a close victory for Youngkin over Democrat Terry McAuliffe — Youngkin found his footing, surging in the polls as he mined a national vein of parent grievance over what and how schools teach about race, racism and American history.

- [If it's not critical race theory, it's critical race theory-lite](#) [Opinion, NYT] - On the eve of the [Virginia governor] election, Fox News's Juan Williams wrote that Republicans have seized on CRT as "a boogeyman to excite racial divisions and get their base to the polls." A common justification for this view is the observation that CRT is in fact not being taught in Virginia's schools or anywhere other than law schools and university seminars and that political opposition to it is cover for something smaller and meaner. The problem lies in the name "critical race theory." It's a no-brainer that the legal doctrine developed decades ago by scholars such as the Harvard Law professor Derrick Bell and the Columbia University and UCLA law professor Kimberlé Crenshaw is not being taught to tots. It's difficult, certainly, to imagine a grade-school teacher in front of a classroom teaching this kind of thing. However, this "critical" approach has trickled down, in broad outline, into the philosophy of education-school pedagogy and administration — call it CRT-lite or, if you prefer, CRT Jr. — and from there migrated into the methods used by graduates of those education programs into the way they wind up running schools. An implication some educators draw from these tenets is that various expectations of some of their students, based on what are generally thought to be ordinary mainstream assumptions, are instead onerous stipulations from an oppressive white-centric view. Hence an idea that it is white to be on time, arrive at precise answers and reason from A to B, rather than holistically, etc. Again, this is not what decades-old critical race theory scholarship proposed, but yes, the idea is descended from original CRT's fundamental propositions about white supremacy. In Virginia itself, the Department of Education's website has a page devoted to "Anti-racism in Education," and at the end of a long list of "Terms and Definitions" it reads, "Drawing from CRT, the term 'white supremacy' also refers to a political or socio-economic system where white people enjoy structural advantage and rights that other racial and ethnic groups do not, both at a collective and an individual level." These guidelines, apparently sanctioned by state departments of education, contradict the notion that concepts derived from CRT — or are, at least, CRT-lite — is nowhere near our schools, that the CRT-in-schools debate "isn't real," merely a fiction designed to cloak racism. In some cases, evidence of CRT-lite is easier to spot at various private schools. Granted, governors can't "ban" private school curriculums, but the experience at some tony New York prep schools, for instance, demonstrates how CRT-lite isn't simply found in teacher trainings but can make its way into the classroom and schools' educational philosophy. Some of those who say that CRT isn't being taught in schools may not be aware of these developments. Others most likely are, and suppose that they are healthy, that this is indeed how education should be. That's a respectable stance, but one ought not harbor it in disbelief that any intelligent, morally concerned person could feel differently. One can ardently support that students learn about racism and its legacies in a way that doesn't crowd out obvious lessons about the history of undeniable racial progress. One can do that while questioning whether students should be immersed in a broader perspective that offers overbroad, clumsy and, frankly, insulting portraits of what is inherently white and what is Black, Latino, Asian American or Native American, and fosters — even if unintentional — a sense of opposition between the groups in question. To be sure, voices on the political right, including Youngkin, must do better when it comes to specifying what they oppose. They, and we, would be better off if they explained that they oppose philosophies influenced by critical race theory, rather than claiming CRT itself is being taught. Bills intended to ban the teaching of CRT-lite shouldn't be worded as if the intent was to ban the teaching of anything about race at all. And if that's what any of these bills do mean, they should spell it out in clear language in order to expose that intent to debate — one within which I would be vociferously opposed, I should note. But the insistence that parents opposed to what is being called CRT are rising against a mere fantasy and simply enjoying a coded way of fostering denial about race is facile.
- [Opinion: The danger of critical race theory](#) [WP] - For advocates of CRT, the only solution to systemic oppression is the "inversion of color power," Guelzo explains. So while most Americans oppose racial discrimination, CRT embraces it. Ibram X. Kendi, one of CRT's leading advocates, openly [declares](#): "The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination." This is the opposite of what the civil rights movement stood for. The Rev. Martin Luther King Jr. did not argue that America was systemically racist; he argued that racism was un-American. He appealed to the Enlightenment ideals contained in what he [called](#) our "magnificent" Declaration of Independence and Constitution, and [declared](#) his goal was to take "the whole nation back to those great wells of democracy, which were dug deep by the Founding Fathers." King argued Bull Connor, head of the Birmingham, Ala., police, and the Southern racists were violating the principles of the American founding. But CRT argues the opposite — that Connor was the fulfillment of the American founding, because America was founded to perpetuate white supremacy. Why is this dangerous? As Richard M. Weaver famously said, "[Ideas have consequences](#)." Critical theory has led to the rise of ideologies that have killed millions. "We have paid severe prices at those moments when people have lost faith in reason and decided to defect to something else," Guelzo [says](#). "Those are the moments when genocide rears its hideous head." By rejecting reason, he argues, CRT could provoke a backlash that drives others "into equal, but opposite irrationality" such as "genuine white supremacy. ... If your CRT is impervious to questioning and evidence, then fine: I will retreat into my CRT and it too will be impervious to evidence and the questioning. At which point then the only solution becomes violence." This is why CRT is so dangerous — and must never be used to indoctrinate America's children.

#### UF

- [UF president responds as objections mount over academic freedom, political meddling](#) [GS] - The UF Faculty Senate is expected to launch investigations into the [hiring of Dr. Joseph Ladapo](#) and the administration's decision to [block three professors as paid expert witnesses in a federal voting rights lawsuit](#). "This is something that needs to be addressed," said David Bloom, president of the UF Faculty Senate, speaking of concerns related to Ladapo's appointment within the College of Medicine. Ladapo also was named state surgeon general by Gov. Ron DeSantis. Bloom said he will ask the Faculty Senate on Thursday to create a committee to investigate the Ladapo hiring, and also plans to organize a committee to look into the denial of requests from three professors to work as expert witnesses. A third Faculty Senate group will look into UF's post-tenure review process. "It is unusual" to have three simultaneous investigations underway, Bloom said Monday evening. "My role is to protect the faculty." [Hiring Ladapo: Florida Surgeon General Ladapo was rushed into UF College of Medicine job, emails show](#). Also late Monday, UF President Kent Fuchs and Provost Joe Glover issued a statement that affirmed the university's commitment to free speech and academic freedom. The statement went on to say "we are immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity." The policy in question was last revised on Nov. 10, 2020, according to its UF webpage.
- [UF damaging its reputation by preventing professors from testifying in cases against state](#) [GS, editorial board] -



By silencing its scholars for political reasons, UF is quickly destroying the reputation that it worked so long and hard to build up. Recent news reports have revealed that UF has [prevented several faculty members from testifying in legal cases](#) against the state since last year. In their bumbling response to the ensuing controversy, university officials have failed to coherently explain their policy and address concerns that they buckled to political pressure from Gov. Ron DeSantis. The New York Times [first reported](#) that UF officials barred three professors from testifying in a case challenging a [state voting law](#), because the university is a state institution and doing so would be “adverse to UF’s interests.” A UF spokeswoman later [told The Sun](#) that the professors would be allowed to act as witnesses, as long as they are unpaid and don't use university resources or time. But a subsequent [report by Miami Herald/Tampa Bay Times Tallahassee Bureau](#) showed that the university put different restrictions on other professors that kept them from testifying, in cases involving the state’s ban on mask mandates and former felons being kept from voting. The story documented a shifting policy, with the only consistent factor being that UF kept faculty from challenging measures championed by DeSantis and the Republican-controlled Legislature.

- [Totalitarianism takes aim at higher education](#) [CHE] - The university has declared itself an arm of Ron DeSantis’s government.
- [Stand up for what you believe, President Fuchs](#) [CHE] - At UF, the time for strategizing and threading needles is over. Republicans defending the restrictive law at the center of the controversy rocking the state’s flagship hired a FIU professor to testify about it. His university signed off without issue.
- [Unraveling UF’s ultimate decision-makers: The Board of Trustees and its lack of diversity](#) [Alligator] - Perhaps the most influential authority is a group that few know about. A group that “sets policy,” “holds the institution’s resources in trust,” “is responsible for [resources’] efficient and effective use” and, most importantly, “serves as the institution’s legal owner and final authority.” At the UF, that group is known as the [Board of Trustees](#). “Everything that the board does directly or indirectly affects students one way or another. Even if they don’t realize it,” said Steve Orlando, UF’s assistant VP for communications, to [The Alligator this past summer](#). The Board of Trustees consists of 13 members. Florida statutes outline the selection process: Six of the trustees are appointed by the governor of Florida, and another five are chosen by the [Florida Board of Governors](#) (BOG), which serves as the governing body for the State University System of Florida. These 11 trustees are subject to confirmation by the Florida Senate. The 12th trustee is the chair of the Faculty Senate, and the 13th is the president of the student body. Eleven of the trustees are white, and 11 are male, with the two people of color being men and the two women being white. [Professionally](#), six of the trustees have worked as business managers or CEOs, four come from the law field and two are in the medical profession. The BOT exhibits cultural, racial, occupational, gender and political homogeneity. Under the current system, it is impossible to ensure that the trustees will ever descriptively and substantively represent our university’s population. According to public Federal Election Commission (FEC) filings, [all but two of the trustees have made donations to conservative funds, Political Action Committees \(PACs\) or individuals since 2015](#). The Board’s one noncontributor is student body president Trevor Pope, and its one trustee who has exclusively donated to liberals is Faculty Senate chair Sylvain Doré. Pope and Doré were elected by either students or faculty senators, making them the only democratically elected individuals on the board. All other BOT members, who were appointed by the governor and BOG, have made conservative political contributions.
- **UF Faculty Senate *ad hoc* Committee on Academic Freedom** - UF Faculty Senate has formed a special *ad hoc* committee on Academic Freedom. The charge of this special *ad hoc* committee is to gather information and report back to the Faculty Senate on UF practices that affect the ability of UF faculty to engage in outside activities that are normally accepted as appropriate scholarly activities of university faculty. This includes, but is not limited to, expert witness engagement, writing of op ed pieces, and consulting. This special Senate Committee is separate from the President’s Task Force on Expert Witness engagements. The Senate committee will consider outside activities of faculty in a broader context to reflect the range of concerns over academic freedom that we are hearing from faculty across the campus. Committee Members include:
  - R. Raymond Issa, Chair (Distinguished Professor and Director, Center for Advanced Construction Information Modeling, Rinker School of Construction Management)
  - **Angela Kohnen** (Associate Professor, School of Teaching & Learning, College of Education)
  - Michael Bernhard (Ehrlich Eminent Scholar Chair, Department of Political Science, CLAS)
  - Robert Cousins (Eminent Scholar and Boston Family Professor of Nutrition, Department of Food Science & Human Nutrition, IFAS)
  - Sarah Lynne (Associate Professor, Department of Family, Youth & Community Sciences, IFAS)
  - Danaya Wright (Sessums and Sohn Professor in Constitutional Law, College of Law and former Faculty Senate Chair)
- [UF names Marsha McGriff chief diversity officer](#) [GS] - UF announced that Marsha McGriff has accepted the position of chief diversity officer and senior adviser to the president. McGriff currently serves as the associate vice president for inclusive excellence at Ball State U. She will assume her new role at UF on Dec. 6.

- UF receives \$5M to help low-income K-12 students learn computer science** [GS] - UF will help develop computer science education programs for teacher preparation across the state using a \$5M gift announced Wednesday. Ken Griffin, the founder and chief executive officer of Citadel, gave UF one of four parts of a \$20M gift going to universities to implement CSforED, which is an initiative focused on increasing high-quality computer science education. The announcement was made by CSforAll, which is the central resource that includes CSforED, at the DEI Innovation Summit. The \$5M gift will be used to build an online community for teachers across the state to learn about computer science education, for materials and resources to teach these technical and instructional strategies and for materials to help teachers prepare for and pass the Florida Teacher Certification Examination to teach computer science, said **Maya Israel, a UF associate professor in educational technology**. Israel said the development of programs to help teachers become certified to teach computer science will help increase accessibility to computer science education for lower-income students, since children from more affluent communities predominantly had access to this education. The materials are also meant to broaden participation in computer science for female students, students who are in a lower socioeconomic class and for students with disabilities. "When students are engaged with technology in meaningful ways or are creating things that are motivating them, it captures their creativity and their learning becomes really relevant," Israel said. Schools can't offer computer science without a trained teacher, said Lisa Milenkovic, the curriculum supervisor for STEM and computer science at Broward County Public Schools. She said she's excited about the \$5M gift since it will help develop training materials for their teachers to pass the certification exam. Initially, Broward County would train its English or media teachers in computer science instruction, but it's not the same as having college-level or graduate-level content for computer science, Milenkovic said. "They don't know Java programming," Milenkovic said. "They're good teachers, but they don't have foundational knowledge." The university will also be working with multiple computer science education leaders across the state, such as northeast Florida's STEM2 Hub, which is an organization that produces resources and advocates computer science education and training. In 2018, former Gov. Scott signed HB 495 into law, which required computer science to be taught in middle and high schools throughout the state. However, lots of schools had a hard time offering computer science because of the shortage of teachers who are eligible to teach it, Israel said. Because of that, UF developed a teacher certificate program in computer science education and later launched a master's program to help teachers get certified in computer science education. The development of the online community and the resources for the program will be led by Israel in a phased rollout throughout the next few years.
- Chelsea Maxwell** - Please welcome Chelsea who will be providing administrative support to the COE Advancement team. Her email is: [cmaxwell@coe.ufl.edu](mailto:cmaxwell@coe.ufl.edu) and her phone is: 273-4140.
- UF's Norman Hall might have a few permanent residents** [GS] - The Gainesville Sun featured 11 exceptional photographs of beautiful historic Norman Hall and its unique architectural features prior to Halloween.

Dedication Day for the original PK Yonge Laboratory School in what is now Norman Hall, 1934. Norman Hall.



Dedication Day - February 17, 1934

One of the older building on campus, has undergone a more than \$30M renovation in preparation of the coming school year. July 17, 2020.

People walk past the front entrance during the groundbreaking ceremony for the Norman Hall Rehabilitation project.



Historic details of newly renovated Norman Hall.



The outside of the newly renovated Norman Hall at UF College of Education, July 17, 2020.



- **Social Media** - Enjoy great posts by your colleagues and contribute your own. Join in the fun! Follow the COE on social media, including: [Facebook](#), [Instagram](#), [LinkedIn](#), [TikTok](#), and [Twitter](#)!

**Kudos**

- Frank Fernandez was selected to be a 2022 Global Fellow by the UF International Center.

- **International Education Week is November 15-19.** Join in the fun with the Ice Cream Truck Social on Tuesday Nov 16 at 5:30PM, followed by International Movie Night in the Norman Conference Center at 6PM.
  - **[Drop in with the deans](#)** - Drop in with the deans continues on an every-other-week schedule. Our next gathering is Wednesday, November 17<sup>th</sup> from 1-1:30PM.
  - **COE Holiday Party** will be held in the new Norman Conference Center on Friday, December 10<sup>th</sup> from 6-8PM.
  - **Norman Hall Grand Reopening Celebration is postponed** -- Due to changes in the BOT agenda, this event has been postponed to a new date TBD.
- 

Remain safe and be well! *Go EduGators!! Go Gators!!*

Glenn

\*\*\*\*\*

Glenn E. Good, Ph.D.  
Dean and Professor  
College of Education  
University of Florida  
352/273-4135

[GGood@ufl.edu](mailto:GGood@ufl.edu)

*Follow the UF COE on [Facebook](#), [Instagram](#), [LinkedIn](#), [TikTok](#), and [Twitter](#)!*

\*\*\*\*\*

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/15/2021 10:45:00 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00021309 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00021309  
**Discloser:** Virgilio Saldajeno  
**Department:** JX-PEDIATRICS-JACKSONVILLE  
**Entity:** Beytin McLaughlin, McLaughlin O'Hara, Bocchino & Bolin, PA  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

PROVIDER, PLEASE NOTE: Your participation in the requested outside employment must conform to the applicable Regulations and guidelines of the University of Florida (available from the Conflict of Interest Office website: <http://coi.ufl.edu/>). Before undertaking expert medical reviews, you should:

- 1) Confirm with the entity with whom you will be working that neither the medical care or treatment at issue or under review was provided by the University of Florida (either in Gainesville or in Jacksonville), the University of South Florida, Florida State University, the University of Central Florida, Florida International University, Florida Atlantic University, or any of their major affiliates. Should you subsequently learn that care or treatment at issue or under review was provided by one of those entities and your position is in conflict with the care or treatment, you will be expected to withdraw from participation in the matter.
- 2) Ensure the entity with whom will you be working understands that your engagement in this activity is in your capacity as a private citizen and not as an employee of the University of Florida.

Should you pursue this outside employment you will become involved in the legalities, theories and hypotheticals, which apply to professional obligations and practices. It is strongly recommended that you fully discuss your role in the claim/litigation with the attorney preparing the case for the party hiring you. During this discussion the parameters of your expected testimony should be established and all relevant medical/legal terms, including "standard of care" and "consent," should be defined/explained in terms of local statutes and court rulings. This should be accomplished before you provide any opinion, oral or written, and before you provide any testimony, trial or deposition.

If, as part of this proposed employment, you are asked to perform an independent medical examination (IME) of the claimant/plaintiff, please be aware that you should not perform the examination within the Health Science Center or its affiliated hospitals. If an IME is a necessary part of this outside employment, you should arrange with your outside employer for the facilities and equipment necessary to perform the exam.

Click [here](#) to access the disclosure.

---

*NOTE: This communication may contain information that is legally protected from unauthorized disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, you should notify the sender immediately by telephone or by return email and delete this message from your computer.*

**From:** please-do-not-reply@ufl.edu  
**Sent time:** 11/15/2021 10:45:09 AM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** DOI00017700 UFOLIO Ancillary Review Submitted

---

# UFOLIO

**This is an automated notification. Please do not reply to this email.**

## UFOLIO Ancillary Review Submitted

**Disclosure:** DOI00017700  
**Discloser:** Marc Schechter  
**Department:** MD-PEDS-PULMONARY  
**Entity:** Gordon Rees Scully Mansukhani, LLP  
**Disclosure Type:** Legal Consulting

Shannon Glick-Howington has submitted the Expert Witness review for the above referenced disclosure.

**Approved?** Yes

**Comments:** Approved on 11/15/2021 by Lynette Belforti, Operations/Underwriting Officer, UFSIP

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**From:** Bernhard,Michael  
**Sent time:** 11/15/2021 01:47:11 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Cousins,Robert J <cousins@ufl.edu>; Issa,Raja Raymond A <raymond-issa@ufl.edu>; Bernhard,Michael <bernhard@ufl.edu>; Wright,Danaya C <wrightdc@law.ufl.edu>; Kohnen,Angela Marie <akohnen@coe.ufl.edu>; Lynne, Sarah D. <sarahlynn@ufl.edu>  
**Subject:** Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

---

Dear Assistant Vice President Wimsett:

As members of the Faculty Senate's Ad Hoc Committee on Academic Freedom, we have been charged with a fact-finding inquiry that includes the recent denials to conduct outside legal consultation by Professors Sharon Austin (DOI00020370) and Michael McDonald (DOI00019897).

You reviewed and disapproved the requests calling them an impermissible conflict of interest on the following basis:

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I have several questions on these two disapprovals.

My assumption is that Professor Daniel Smith, as Chair of the Department Political Science, approved the requests (Level 1) and you overrode him (level 2) and disapproved the requests? Is this the case?

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Finally, I have a question about the basis for your decision. UF's policy on "Conflicts of Commitment and Conflicts of Interest" (as yet not numbered on the policy website but available here: <https://policy.ufl.edu/policy/conflicts-of-commitment-and-conflicts-of-interest/>) offers the following definition:

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On behalf of the ad hoc committee,

Michael Bernhard

*American Political Science Association*

## **Perspectives on Politics**

Michael Bernhard  
Editor-in-Chief, *Perspectives on Politics*  
Raymond and Miriam Ehrlich Chair  
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University of Florida  
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Work email: [bernhard\(at\)ufl.edu](mailto:bernhard(at)ufl.edu)  
Pronouns: he, him, his



**From:** Wimsett, Gary  
**Sent time:** 11/15/2021 02:04:37 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

---

Joe,

Am I required to respond to this? I am not familiar with the rules of the Faculty Senate. I would be uncomfortable responding without consulting first with the Office of the General Counsel. Even then, in light of the federal lawsuit that has been filed against the University of Florida, I am unsure as to the order of operations.

Please advise.

Thank you,  
Gary

---

**From:** Bernhard, Michael <bernhard@ufl.edu>  
**Sent:** Monday, November 15, 2021 1:47 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Cousins, Robert J <cousins@ufl.edu>; Issa, Raja Raymond A <raymond-issa@ufl.edu>; Bernhard, Michael <bernhard@ufl.edu>; Wright, Danaya C <wrightdc@law.ufl.edu>; Kohnen, Angela Marie <akohnen@coe.ufl.edu>; Lynne, Sarah D. <sarahlynn@ufl.edu>  
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On behalf of the ad hoc committee,

Michael Bernhard

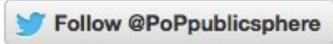
American Political Science Association

**Perspectives on Politics**

Michael Bernhard  
Editor-in-Chief, *Perspectives on Politics*  
Raymond and Miriam Ehrlich Chair

FL-UF-21-1634-A-000404

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Work email: [bernhard@ufl.edu](mailto:bernhard@ufl.edu)  
Pronouns: he, him, his



**From:** Glover, Joseph  
**Sent time:** 11/15/2021 02:36:38 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Joe Glover (jglover@aa.ufl.edu) <jglover@aa.ufl.edu>  
**Subject:** RE: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

---

Dear Gary,

No. In light of the federal lawsuit that has been filed, I suggest you politely decline to answer written or oral questions until you have the opportunity to consult the General Counsel.

Regards,  
Joe

---

**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Monday, November 15, 2021 2:05 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

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Please advise.

Thank you,  
Gary

---

**From:** Bernhard, Michael <bernhard@ufl.edu>  
**Sent:** Monday, November 15, 2021 1:47 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Cousins, Robert J <cousins@ufl.edu>; Issa, Raja Raymond A <raymond-issa@ufl.edu>; Bernhard, Michael <bernhard@ufl.edu>; Wright, Danaya C <wrightdc@law.ufl.edu>; Kohnen, Angela Marie <akohnen@coe.ufl.edu>; Lynne, Sarah D. <sarahlynne@ufl.edu>  
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Michael Bernhard

*American Political Science Association*

## **Perspectives on Politics**

Michael Bernhard

Editor-in-Chief, *Perspectives on Politics*

Raymond and Miriam Ehrlich Chair

Department of Political Science

University of Florida

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Perspectives email: [perspectives@apsanet.org](mailto:perspectives@apsanet.org)

Work email: [bernhard\(at\)ufl.edu](mailto:bernhard(at)ufl.edu)

Pronouns: he, him, his



**From:** Glover, Joseph  
**Sent time:** 11/15/2021 02:42:43 PM  
**To:** Bloom, David C <dbloom@UFL.EDU>  
**Subject:** FW: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

---

**From:** Bernhard, Michael <bernhard@ufl.edu>  
**Sent:** Monday, November 15, 2021 1:47 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Cousins, Robert J <cousins@ufl.edu>; Issa, Raja Raymond A <raymond-issa@ufl.edu>; Bernhard, Michael <bernhard@ufl.edu>; Wright, Danaya C <wrightdc@law.ufl.edu>; Kohnen, Angela Marie <akohnen@coe.ufl.edu>; Lynne, Sarah D. <sarahlynn@ufl.edu>  
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*American Political Science Association*

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Pronouns: he, him, his

AMERICAN  
OVERSIGHT

FL-UF-21-1634-A-000408



**From:** Wimsett, Gary  
**Sent time:** 11/15/2021 02:47:54 PM  
**To:** Bernhard,Michael <bernhard@ufl.edu>  
**Cc:** Fuller,Ryan R <ryanrf@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

---

Dear Dr. Bernhard,

Thank you for your inquiry. Regrettably, I must respectfully decline to answer your questions at this time. I would refer you to the Office of the General Counsel as it is my understanding that Drs. Smith, Austin and McDonald have filed a federal lawsuit regarding the disapproval of the outside activity requests at issue. I hope to be able to engage with you and the ad hoc committee members at the appropriate time on this matter.

Sincerely,

Gary Wimsett, Jr.

---

**From:** Bernhard,Michael <bernhard@ufl.edu>  
**Sent:** Monday, November 15, 2021 1:47 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Cousins,Robert J <cousins@ufl.edu>; Issa,Raja Raymond A <raymond-issa@ufl.edu>; Bernhard,Michael <bernhard@ufl.edu>; Wright,Danaya C <wrightdc@law.ufl.edu>; Kohnen,Angela Marie <akohnen@coe.ufl.edu>; Lynne, Sarah D. <sarahlynn@ufl.edu>  
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Michael Bernhard  
Editor-in-Chief, *Perspectives on Politics*  
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FL-UF-21-1634-A-000410

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Work email: [bernhard@ufl.edu](mailto:bernhard@ufl.edu)  
Pronouns: he, him, his



**From:** Wimsett, Gary  
**Sent time:** 11/15/2021 02:48:17 PM  
**To:** . COI staff <coi-se-staff-all@ad.ufl.edu>  
**Cc:** Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** FW: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

---

FYI

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**From:** Wimsett, Gary <gwimsett@ufl.edu>  
**Sent:** Monday, November 15, 2021 2:48 PM  
**To:** Bernhard, Michael <bernhard@ufl.edu>  
**Cc:** Fuller, Ryan R <ryanf@ufl.edu>; Wimsett, Gary <gwimsett@ufl.edu>  
**Subject:** RE: Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

Dear Dr. Bernhard,

Thank you for your inquiry. Regrettably, I must respectfully decline to answer your questions at this time. I would refer you to the Office of the General Counsel as it is my understanding that Drs. Smith, Austin and McDonald have filed a federal lawsuit regarding the disapproval of the outside activity requests at issue. I hope to be able to engage with you and the ad hoc committee members at the appropriate time on this matter.

Sincerely,

Gary Wimsett, Jr.

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**From:** Bernhard, Michael <bernhard@ufl.edu>  
**Sent:** Monday, November 15, 2021 1:47 PM  
**To:** Wimsett, Gary <gwimsett@ufl.edu>  
**Cc:** Cousins, Robert J <cousins@ufl.edu>; Issa, Raja Raymond A <raymond-issa@ufl.edu>; Bernhard, Michael <bernhard@ufl.edu>; Wright, Danaya C <wrightdc@law.ufl.edu>; Kohnen, Angela Marie <akohnen@coe.ufl.edu>; Lynne, Sarah D. <sarahlynn@ufl.edu>  
**Subject:** Faculty Senate Ad Hoc Committee on Academic Freedom, Questions on DOI00020370 and DOI00019897.

Dear Assistant Vice President Wimsett:

As members of the Faculty Senate's Ad Hoc Committee on Academic Freedom, we have been charged with a fact-finding inquiry that includes the recent denials to conduct outside legal consultation by Professors Sharon Austin (DOI00020370) and Michael McDonald (DOI00019897).

You reviewed and disapproved the requests calling them an impermissible conflict of interest on the following basis:

"UF will deny its employees' requests to engage in outside activities when it determines the activities are adverse to its interests. As UF is a state actor, litigation against the state is adverse to UF's interests."

I have several questions on these two disapprovals.

My assumption is that Professor Daniel Smith, as Chair of the Department Political Science, approved the requests (Level 1) and you overrode him (level 2) and disapproved the requests? Is this the case?

Was anyone else involved in the formal review process? Were other members of the Conflicts of Interest Program a party to the decision? Were there ancillary reviews by subject matter experts at the Division of Sponsored Programs, Office of the General Counsel, the Dean's Office at CLAS, or other expert witnesses or university offices? Specifically, I am asking if anyone other than you or Professor Smith reviewed these requests formally.

Was anyone involved informally in the review process? Did anyone flag the case as problematic or register opposition to this request outside of the formal review process? If so, who was involved and what was their role?

If someone else was involved in this decision process, we request that you provide any written record of that interaction, or in the case oral deliberations, a summary of what was said to the best of your recollection.

Finally, I have a question about the basis for your decision. UF's policy on "Conflicts of Commitment and Conflicts of Interest" (as yet not numbered on the policy website but available here: <https://policy.ufl.edu/policy/conflicts-of-commitment-and-conflicts-of-interest/>) offers the following definition:

Conflict of Interest: occurs when a University Employee's financial, professional, commercial or personal interests or activities outside of the University affects, or appears to affect, their professional judgement or obligations to the University.

It is unclear to us how giving testimony at a lawsuit either affects or appears to affect the professional judgement or obligations of Professors Austin or McDonald to the University. Was this a question of professional judgement or their obligations to the university? Would you please be so good as to explain the reasoning behind this? If this affected, or appeared to affect, their professional judgement, which standards of professionalism were brought into question and how? If it affected, or appeared to affect, their obligations to the university, which obligation was brought into question and how?

On behalf of the ad hoc committee,

FL-UF-21-1634-A-000412

Michael Bernhard

*American Political Science Association*

## **Perspectives on Politics**

Michael Bernhard

Editor-in-Chief, *Perspectives on Politics*

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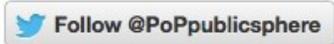
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Work email: [bernhard@ufl.edu](mailto:bernhard@ufl.edu)

Pronouns: he, him, his



**From:** Paton,Nancy  
**Sent time:** 11/15/2021 07:37:39 PM  
**To:** Glover,Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Three professors join academic freedom lawsuit against UF

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**Date:** November 15, 2021 at 6:14:20 PM EST  
**To:** "Paton,Nancy" <nancypaton@ufl.edu>  
**Subject:** Three professors join academic freedom lawsuit against UF  
**Reply-To:** "POLITICO, LLC" <reply-fe8a1d7277620d7b76-553241\_HTML-937688669-1376319-133237@politicoemail.com>

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## Three professors join academic freedom lawsuit against UF

BY ANDREW ATTERBURY | 11/15/2021 06:12 PM EST

TALLAHASSEE — The fallout over the University of Florida’s decision to bar three professors from testifying in a lawsuit against a controversial voting bill pushed by Gov. Ron DeSantis grew on Monday as three additional academics joined a lawsuit challenging the flagship school’s conflict of interest policies.

In an [updated complaint](#), the professors claim that University of Florida leaders blocked one faculty member from testifying as an expert witness in a lawsuit fighting the state’s rule outlawing school mask mandates and prevented two others from signing an amicus brief with their college affiliations. The allegations made by the six professors suggests there could be a broader pattern of the school stifling its faculty from getting involved with hot-button issues that break from the DeSantis administration.

“As the State faces matters of great public importance, the University is unconstitutionally curtailing their free speech and academic freedom, and coercing them into violating this oath for blatantly political reasons,” attorneys for the professors wrote in a statement.

**Breaking it down:** Earlier this month, three University of Florida professors — Daniel Smith, Sharon Austin and Michael McDonald — sued the school claiming it committed a “brazen violation” of their First Amendment rights and academic freedoms by blocking them from testifying in the voter rights lawsuit.

University President Kent Fuchs called for the institution to [reverse its decision](#) after the move received [intense blowback from across the nation](#), but that didn't stop the professors from following through on their lawsuit.

On Monday, three additional professors signed on to the court challenge: Jeffrey Goldhagen, a professor pediatrics and the chief of the Division of Community and Societal Pediatrics; and Kenneth Nunn and Teresa Reid, who are both law professors.

In Goldhagen's case, the professor sought to testify on behalf of Florida parents who were challenging the state ban on local school mask mandates, according to the lawsuit. But in the same fashion as the professors seeking to provide expert testimony in the voting lawsuit, university leadership denied Goldhagen's request on the grounds that it could "create a conflict" for the university.

The lawsuit filed against the University of Florida is pushing for the school to drop its conflict of interest policy, which the professors' attorneys say gives the school "unfettered discretion to stifle speech that it deems 'adverse' to the State's political interests."

**What's next:** University leaders assembled a task force to review the school's conflict of interest policies and are expecting initial recommendations by Nov. 29. In meetings so far, faculty members have suggested tweaks such as [an appeals process for conflict decisions](#) — an issue also raised in the lawsuit.

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**From:** Glover, Joseph  
**Sent time:** 11/15/2021 08:01:04 PM  
**To:** Laura Rosenbury <rosenbury@law.ufl.edu>  
**Subject:** FW: Three professors join academic freedom lawsuit against UF

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**From:** Paton, Nancy <nancypaton@ufl.edu>  
**Sent:** Monday, November 15, 2021 7:38 PM  
**To:** Glover, Joseph <jglover@aa.ufl.edu>  
**Subject:** Fwd: Three professors join academic freedom lawsuit against UF

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**Date:** November 15, 2021 at 6:14:20 PM EST  
**To:** "Paton, Nancy" <[nancypaton@ufl.edu](mailto:nancypaton@ufl.edu)>  
**Subject:** Three professors join academic freedom lawsuit against UF  
**Reply-To:** "POLITICO, LLC" <[reply-fe8a1d7277620d7b76-553241\\_HTML-937688669-1376319-133237@politicoemail.com](mailto:reply-fe8a1d7277620d7b76-553241_HTML-937688669-1376319-133237@politicoemail.com)>

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Name of School	Witness Testimony Policy	Witness Testimony Policy Website	Conflict of Interest Definition	Website
UCLA	N/A		<p>Employee members of the University community are expected to devote primary professional allegiance to the University and to the mission of teaching, research, and public service. Outside employment must not interfere with University duties. Outside professional activities, personal financial interests, or acceptance of benefits from third parties can create actual or perceived conflicts between the University's mission and an individual's private interests. University community members who have certain professional or financial interests are expected to disclose them in compliance with applicable conflict of interest/conflict of commitment policies. In all matters, community members are expected to take appropriate steps, including consultation if issues are unclear, to avoid both conflicts of interest and the appearance of such conflicts.</p> <p>See UCLA Above</p>	<a href="https://policy.ucla.edu/docs/1200679/Commitment/COI/PolicyGuidance">https://policy.ucla.edu/docs/1200679/Commitment/COI/PolicyGuidance</a>
UC Berkeley University of Michigan	N/A N/A		<p>A potential conflict of interest exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of (1) compromising a faculty or staff member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty or staff member's decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University resources, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal or family member's gain or advancement at the expense of the University. For purposes of subsection (4), family members include spouse, domestic partner, and dependent.</p> <p>Conflict of Interest: Real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.</p>	<a href="https://ag.umich.edu/policy/2014-11-1">https://ag.umich.edu/policy/2014-11-1</a>
University of Virginia	N/A		<p>Conflict of Interest: Real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.</p>	<a href="https://wwwpolicy.virginia.edu/policy/151119.PDF">https://wwwpolicy.virginia.edu/policy/151119.PDF</a>
				<p>Virginia State and Local Government Conflict of Interest Act: <a href="https://law.lis.virginia.gov/vacode/title62_2/chapter31/">https://law.lis.virginia.gov/vacode/title62_2/chapter31/</a></p> <p>No officer or employee of a state or local governmental or advisory agency shall:</p> <ol style="list-style-type: none"> <li>1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;</li> <li>2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;</li> <li>3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;</li> <li>4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;</li> <li>5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;</li> <li>6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties.</li> </ol>
UC Santa Barbara University of Florida	N/A N/A		<p>See UCLA Above</p> <p>Employees must avoid situations which interfere with—or reasonably appear to interfere with—their professional obligations to the University. Such situations might create an appearance of impropriety and, therefore, must be disclosed. As discussed below, Employees will use the UCF/USF system to disclose Outside Activities in which they wish to engage. When the University determines a Conflict of Interest may exist with an Employee, the University may, in its sole discretion, prohibit the individual from engaging in the activity presenting a potential conflict; take actions to limit the individual's activity; or implement other measures the University deems reasonably necessary to eliminate the potential conflict.</p>	<a href="https://policy.ufl.edu/policy/conflicts-of-commitment-and-conflicts-of-interest/">https://policy.ufl.edu/policy/conflicts-of-commitment-and-conflicts-of-interest/</a>
University of North Carolina	N/A		<p>"Conflict of interest" (COI) relates to situations in which financial or other personal considerations, circumstances, or relationships may compromise, or may have the appearance of compromising a Covered Individual's objectives in fulfilling their University duties or responsibilities, including research, teaching activities, and administrative duties. The bias that such conflicts may impart can affect many University responsibilities, including decisions about personnel, the purchase of equipment and other supplies, the selection of instructional materials for classroom use, the collection, analysis and interpretation of data, the sharing of research results, the choice of research protocols, the use of statistical methods, and the mentoring and judgment of student work. The University of North Carolina at Chapel Hill utilizes the definition of conflict of interest specified in the University of North Carolina Board of Governor's Policy on Conflict of Interest and Commitment (BOG 2.2).</p> <p>See UCLA Above</p>	<a href="https://policies.unc.edu/TCClient/2833/Portal/KB/ArticleDet.Doc?131873">https://policies.unc.edu/TCClient/2833/Portal/KB/ArticleDet.Doc?131873</a>
UC San Diego UC Irvine Georgia Institute of Technology	N/A N/A N/A		<p>Each University System of Georgia (USG) employee shall make every reasonable effort to avoid actual or apparent conflicts of interests. An apparent conflict exists when a reasonable person would conclude from the circumstances that the employee's ability to protect the public interest, or perform public duties, is compromised by a personal, financial, or business interest. An apparent conflict can exist even in the absence of a legal conflict of interest. USG employees are referred to State Conflict of Interest Statutes G.C.G.A. § 45-10-20 through § 45-10-70 and institutional policies governing professional and outside activities.</p> <p>Each USG employee has an ongoing responsibility to report and fully disclose any personal, professional, or financial interest, relationship, or activity that has the potential to create an actual or apparent conflict of interest with respect to the employee's USG duties.</p> <p>Institutions shall adopt guidelines governing conflicts of interest and may further define methods of reporting conflicts of interest, how to manage said conflicts, and terms used within this policy section, so long as such guidelines and definitions are not inconsistent with this policy.</p> <p>Conflicts of Interest – Research and Institutional</p> <p>The USG recognizes the benefits of collaboration and commercialization with the private sector and other third-party entities that supports the USG mission. The resulting relationships and agreements, however, must not undermine the public's trust, compromise the integrity of the USG mission, or inappropriately influence teaching, research, and service activities. Under no circumstances should a grant, gift, contract or other funding be accepted that limits the ability of USG employees to conduct or report the results of research in accordance with applicable scientific, medical, professional, and See UCLA Above</p>	<a href="https://www.usg.edu/policymanual/section/CF24/68-2-18_personal_6.html">https://www.usg.edu/policymanual/section/CF24/68-2-18_personal_6.html</a>
UC Davis University of Texas at Austin	N/A N/A		<p>A significant outside interest of a University employee or one of the employee's immediate family members that could directly or significantly affect the employee's performance of the employee's institutional responsibilities. The proper discharge of an employee's University responsibilities could be directly or significantly affected if the employee, service activity or interest: (1) might tend to influence the way the employee performs his or her University responsibilities, or the employee knows or should know the interest is or has been affected with the intent to influence the employee's conduct or decisions; (2) could reasonably be expected to impair the employee's judgment in performing his or her University responsibilities; or (3) might require or induce the employee to disclose confidential or proprietary information acquired through the performance of University responsibilities.</p> <p>A conflict of interests generally occurs when an employee has an interest that prevents the employee from acting impartially or limits their ability to act solely in the university's interest. The conflicting interest may be self-interest of the employee, or may be a competing duty or obligation to a third party.</p>	<a href="https://policies.utexas.edu/policies/conflict-interest-conflict-commitment-outside-activities">https://policies.utexas.edu/policies/conflict-interest-conflict-commitment-outside-activities</a>
William & Mary	N/A		<p>A conflict of interests generally occurs when an employee has an interest that prevents the employee from acting impartially or limits their ability to act solely in the university's interest. The conflicting interest may be self-interest of the employee, or may be a competing duty or obligation to a third party.</p>	<a href="https://www.wm.edu/offices/compliance/policies/conflict_of_interest/index.php">https://www.wm.edu/offices/compliance/policies/conflict_of_interest/index.php</a>
University of Wisconsin - Madison		<a href="https://www.wiscosin.edu/regents/policies/ethics-and-conflict-of-interest-policy">https://www.wiscosin.edu/regents/policies/ethics-and-conflict-of-interest-policy</a>	<p>Doesn't define but provides: Conflicts of interest represent a state of affairs, not behavior, frequently involve perceptions, and are judged by others, not by those directly involved. Significant financial gains are considered to be of ultimate relevance in the current context for understanding conflicts of interest because money is recognized by the general public to be a potent motivator – one that is easily understood, easily quantified, and discriminatory. While the focus of conflict of interest considerations is financial gain, other relevant interests inherent in academia, including prestige, promotion, grants, and publications, can also potentially exert influence over research activities.</p> <p>A conflict of interest arises when:</p> <ol style="list-style-type: none"> <li>(a) an academic staff member is in a position to influence either directly or indirectly University business, research, or other decision-making that could lead to gain for the academic staff member or his/her immediate family to the detriment of the University, or</li> <li>(b) an academic staff member or a member of his/her immediate family is or seeks to be in a vendor relationship with the University, whether directly or by having a financial or ownership interest in a vendor doing business with the University.</li> </ol> <p>See Georgia Tech above</p>	<a href="https://policy.wisc.edu/libraries/316-8001">https://policy.wisc.edu/libraries/316-8001</a>
University of Illinois - Urbana/Champaign	N/A		<p>A conflict of interest arises when:</p> <ol style="list-style-type: none"> <li>(a) an academic staff member is in a position to influence either directly or indirectly University business, research, or other decision-making that could lead to gain for the academic staff member or his/her immediate family to the detriment of the University, or</li> <li>(b) an academic staff member or a member of his/her immediate family is or seeks to be in a vendor relationship with the University, whether directly or by having a financial or ownership interest in a vendor doing business with the University.</li> </ol> <p>See Georgia Tech above</p>	<a href="https://www.uillinois.edu/rna/foia-policy">https://www.uillinois.edu/rna/foia-policy</a>
University of Georgia	N/A		<p>See Georgia Tech above</p>	

