

Charles E. Schmidt College of Medicine Administrative Policies

Subject: Restrictive Covenants
Effective Date: June 12, 2020
Supersedes: COM Administrative Policies Initially Adopted February 28, 2007; amended June 1, 2009; September 30, 2010; January 19, 2011; June 12, 2012; May 10, 2013; July 10, 2014; Restrictive Covenants Policy Adopted December 2, 2016; Amended June 12, 2020.
Responsible Authority: Associate Dean for Faculty Affairs

Policy Statement:

The University recognizes that a faculty physician appointment to the faculty of the Charles E. Schmidt College of Medicine involves both academic and clinical responsibilities, and that these responsibilities are interlinked and performed at affiliated hospitals and clinics. Furthermore, the University recognizes that medical clinical practice competition by a faculty physician within one (1) year of the cessation of employment by the faculty physician (whether by resignation, retirement, or the expiration, non-renewal or other termination of employment) with the University and within a twenty-five (25) mile radius of a situs of the faculty physician's clinical teaching assignment within the two years preceding the cessation of employment with the University, would adversely impact the legitimate business interests of the University.

That adverse impact may include, without limitation: (i) harm to the University's College of Medicine teaching programs at its affiliated hospitals and clinics; (ii) impairment of (a) the operation and quality of the College's affiliations, and (b) the advancement of the College's clinical, educational, service and research missions; (iii) erosion of the patient and referral populations, economic base and goodwill necessary to support the mission of the College of Medicine within its target geographic location and market; and (iv) interference with the University's myriad other "legitimate business interests," as that term has been defined pursuant to Section 542.335, Florida Statutes.

Accordingly, the College of Medicine is authorized, where justified by these concerns, to include as a condition of appointment to a faculty position requiring clinical practice, a restrictive covenant (with appropriate accompanying provisions) in the faculty contract and/or letter of appointment, as generally described in [FAU Regulation 9.002 Restrictive Covenants](#). Such restrictive covenant shall not apply to affiliate clinical faculty in the College of Medicine or to those part-time clinical faculty specifically approved in writing by the Dean of the College. See [FAU Regulation 9.002 Restrictive Covenants](#) for additional details.

Policy Approval (For use by the Office of the Dean)

Legal Review: June 11, 2020

Dean: June 11, 2020

Vice Provost: June 12, 2020

Approval documentation is available in the Office of the Dean.