

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED AMENDED REGULATION**

REGULATION NUMBER AND TITLE: FPU-6.002 Personnel Code of Conduct and Ethics.

SUMMARY OF THE REGULATION: This regulation informs personnel of the various state, federal, Board of Governors, and University laws and regulations that must be complied with in order to ensure that University business is conducted in a manner exhibiting the highest degree of ethical standards and conduct. This regulation is being revised primarily to reflect the role of the University Audit and Compliance Office as a resource in interpreting the requirements of compliance efforts and in receiving, investigating and handling reports of known or alleged violations of the code.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapoly.edu/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Melaine Schmiz, Assistant General Counsel at (863) 874-8489.

AUTHORITY: Board of Governors Regulations 1.001.

NAME OF PERSON INITIATING PROPOSED REGULATION: Regina DeIulio, VP & General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Melaine Schmiz, Assistant General Counsel at 4700 Research Way, Lakeland, Florida 33805, Email: mschmiz@floridapoly.edu, Phone: (863) 874-8489, Fax: (863) 874-8716.

DATE OF PUBLICATION: January 26, 2018

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-6.002 Personnel Code of Conduct and Ethics

- (1) **Purpose.** This regulation shall apply to all Florida Polytechnic University faculty, staff and representatives (hereinafter collectively “personnel”) and with the expectation that all of the University’s businesses, operations and interactions with those within and outside the University community will be executed in a manner exhibiting the highest degree of ethical standards and conduct.
- (2) **Introduction.** The Florida Polytechnic University’s Board of Trustees and the University’s administration value high ethical standards. Thus, it is expected that all of the University’s businesses, operations and interactions with those within and outside the University community will be executed in a manner exhibiting the highest degree of ethical standards and conduct. To provide the University faculty, staff and representatives guidance and notice of their obligations, this Code of Conduct and Ethics describes general expectations for achieving and maintaining an organizational culture that affirms the University’s responsibility to protect its resources, its employees, its students and its reputation.

The University, through its personnel, is entrusted by the public with financial resources and social responsibilities. All University personnel play a key role in assuring that high standards of ethical practice are utilized regarding the custody and use of these resources. To accomplish this, it is expected that University personnel observe and be faithful to the values embodied in this Code of Conduct and Ethics so that all in the University community will enjoy a professional and supportive work environment.

This Code is not intended to stand alone. Rather, it complements and serves as a link with state and federal laws and other rules and regulations that govern the University’s operations and its personnel’s ethical conduct. Further, this Code is described in a general manner and is not intended to address every circumstance of expected ethical behavior. As such, any member of the University community who may be confronted with an ethical dilemma should first contact his or her immediate supervisor or others in their supervisory chain to seek guidance in addressing issues that are not directly covered by this Code.

- (3) **Compliance with the Law.** All University personnel are required to observe and comply with all state and federal laws applicable to the University. Any questions regarding the application of law to situations, or the compliance requirements of the law, should be referred by University personnel to their immediate supervisor or any other individual in his or her supervisory chain. Should anyone in the supervisory chain require assistance in interpreting the ~~legal~~ requirements of compliance efforts, they may contact the Office of the General Counsel [or the University Audit and Compliance Office, as appropriate.](#)
- (4) **Discrimination, Harassment and Mistreatment.** The University is committed to providing and maintaining an environment that is free of discrimination, harassment or mistreatment based on one’s membership in a protected class. The University does

not tolerate any form of prohibited discriminatory or harassing behavior directed toward another member of the University community.

See regulations: FPU-1.004 Non-Discrimination ~~and~~/Equal Opportunity, FPU-1.005 Discrimination and Harassment Complaint ~~Policy~~ and [Investigation](#) Procedures, and FPU-1.005P Sexual Harassment.

- (5) **Use of the University Resources.** The University's resources and facilities are for official and authorized use only and in furtherance of the University's mission and organizational culture. Thus, University personnel should not misuse the University's resources and/or facilities and should not permit others to inappropriately use these resources and/or facilities. The University understands the occasional use of certain resources (e.g. computer and telephone) for personal reasons; however, such personal use by University personnel should not result in expense to the University or interfere with the performance of required duties or the University's mission. Moreover, it is expected that University personnel will not use any of the University's resources and facilities for any illegal or unauthorized commercial activities, or in any manner which is inconsistent with the University's mission. University personnel shall not allow or assist others in illegal or unauthorized commercial use of these resources.

See regulations: FPU-1.009 Commercial Solicitation on University Property and FPU-1.003 Use of University Facilities and Property.

- (6) **Outside Employment and Activities.** All University employees have certain ethical and professional responsibilities as public employees, which include the requirements of the *Code of Ethics for Public Officers and Employees*, located in Chapter 112, Part III, Florida Statutes. Full-time personnel who wish to engage in outside employment or activities must report to their supervisor, in writing, the details of such proposed employment or outside activity and must obtain written approval prior to engaging in the employment/activity.

See regulation: FPU-6.008 Outside Employment ~~and~~ [Outside Activitiesy Regulation](#).

- (7) **Confidential Information.** Florida Polytechnic University is subject to Florida's "Government-in-the-Sunshine" law meaning that most University-related documents, in any form including e-mail, are subject to request and inspection by the public. However, certain personal and official information regarding students, faculty, staff and donors are confidential and cannot be disclosed to others pursuant to federal and/or state laws, including but not limited to the Family Educational Rights and Privacy Act (FERPA), the Americans with Disabilities Act (ADA) and state law regarding limited access to faculty evaluative information. As such, the University expects confidential information about its students, faculty, staff and donors to be protected in accordance with the provisions of these and other pertinent laws. Any questions regarding what constitutes "confidential" information and laws applicable to specific situations should be referred by University personnel to their immediate supervisor or any other individual in his or her supervisory chain. Similarly, should anyone in the supervisory chain require assistance regarding "confidential" information, questions should be directed to the Office of the General Counsel.

See regulations: FPU-1.0123P Public Records Policy and FPU-3.001 Confidentiality of Student Records and Applicant Records and rule: 6C13-~~6.008~~ Personnel [Records](#) and Limited-~~Access~~ Records.

- (8) **Using Organizational Status to Influence Business Decisions.** The University expects that its personnel who hold purchasing or other decision-making positions will not attempt to use their University status to influence business transactions which may result in their experiencing any personal, financial, or material gain on behalf of themselves or others.

See regulation: FPU-8.001 Purchasing.

- (9) **Nepotism/Reporting Structure.** University personnel should avoid situations where they may influence the decision to hire a family member at the University. A conflict of interest would exist, for example, if personnel serve on a selection committee or in a decision-making chain where a family member has applied for employment. In such a scenario, University personnel should disclose their familial status to the chair of the selection committee or the Director of Human Resources prior to the candidate's interview. Further, employees are not permitted to supervise family members as a conflict of interest would exist if a supervisor had to conduct a performance appraisal on a family member.

See regulation: FPU-6.009 Employment of Relatives.

- (10) **Purchase of Property from Board of Trustees.** No University personnel should enter into a personal agreement or a contract to purchase goods or services, except those available to the general public, from a member of the University's Board of Trustees or the Trustee's firm without first discussing the transaction with the University's Office of the General Counsel. Transactions of this type may have the appearance of impropriety and result in a conflict of interest that at the very least may reflect poorly on the individual, the Trustee and/or the University.

- (11) **Gifts and Honoraria.** In accordance with Florida law, certain University personnel are prohibited from giving, soliciting, or accepting certain gifts from vendors doing business with the University and must comply with the reporting requirements of the statute.

See: Florida Statutes Section 112.3148

- (12) **Use of University Intellectual Property, Copyright, Patents and Trademark.** The University observes all intellectual property, patent and copyright laws and expects all University personnel to comply with the laws regarding the use of such property. For example, the University's trademark, seal, and letterhead must only be used in relation to University-related activities and University business matters. Any other use of the University's intellectual property is strictly prohibited. Should University personnel have any questions regarding whether their intended use of the University's intellectual property may be in contradiction to "University-related activities and University business matters" the individual should consult their immediate supervisor or any other individual in his or her supervisory chain. Should anyone in the supervisory chain require assistance in interpreting whether the intended use of patents, copyrights or trademarks falls within accepted University activities or business matters, the supervisor should contact the University's Office of the Provost or the Vice President of Advancement to seek guidance regarding any question that they may have regarding the intended use of the intellectual property.

(13) **Professional Associations' Codes of Ethics.** All University personnel who are members of professional associations external to the University are expected to abide by their association's code of ethics and other membership guidelines. If University personnel are found to have violated an external association's code of ethics or membership guidelines and such violation may negatively impact the University or the individual's employment at the University, such personnel must report the alleged violation to their supervisor, or other in his or her supervisory chain so that the impact of the alleged violation may be evaluated by the appropriate University representatives.

(14) **Procedures for Alleged Violations.** All personnel are responsible for complying with this Code and should report any known or alleged violations of this Code to his or her immediate supervisor, or anyone in their supervisory chain, or the Office of the General Counsel. Supervisory personnel aware of such known or alleged violations are required to report such incidents to University Audit and Compliance (UAC). Employees who knowingly fail to report fraudulent activity shall be subject to disciplinary action. However, an employee who does not feel comfortable reporting such concerns to supervisory personnel may report concerns directly to the UAC or anonymously through the Compliance Hotline. Reporting such concerns is a service to the University and University policy prohibits retaliation against individuals who make a good faith report of alleged or known violations. The General Counsel/Chief Audit Executive/Chief Compliance Officer (CAE/CCO) is responsible for conducting a review of the incident(s) in question and conducting investigations where warranted, and forwarding the information to the appropriate University representatives for review. In the absence of the CAE/CCO, or where allegations are made against the CAE/CCO, the General Counsel will serve as the official contact for reporting.

See: FPU-1.0125P Fraud Prevention and Detection, and FPU-1.015 Allegations of Waste, Fraud, Financial Management, Misconduct, and Other Abuses.

(15) **Penalties for Violations.** University personnel who are determined by the University to have violated this Code are subject to disciplinary action. Disciplinary actions may include penalties such as: dismissal, suspension, demotion, reduction in salary, forfeiture of salary, restitution, public censure, and/or reprimand; other disciplinary actions as may be deemed appropriate by the University President/designee; and/or as specified by law or regulation.

(16) **Conclusion.** All University personnel are required to become familiar with this Code and conduct themselves in an ethical manner in the performance of their University duties and responsibilities. Should any personnel require advice or clarification regarding their obligations pursuant to this Code, they should consult their supervisor or appropriate University representative in order to gain an understanding of the requirements of this Code so that the reputation of those covered by this Code, including the University, continues to be held in high regard by all those with whom we interact.

Authority: BOG regulation 1.001

History: NEW 12-11-2014; Amended: _____.