

Code of Ethics

New

A. GENERAL STATEMENT

Florida Gulf Coast University (FGCU) is firmly committed to fair and ethical behavior, and as such, prescribes to the Code of Ethics for Public Officers and Employees, adopted by the Legislature as Part III of Chapter 112, Florida Statutes. The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. This Code of Ethics is intended to ensure that University employees conduct themselves independently, impartially, and in the best interest of the University; and do not use their University position for personal gain other than compensation provided by law.

B. COVERAGE

The laws summarized below apply to the President, Vice Presidents, Deans, Directors, Faculty, and Staff, hereinafter referred to as the employees of the University. The descriptions of these laws have been simplified to provide employees with a brief notification of the requirements. Employees should consult the full citation of the law and/or University policy [as shown in the brackets below]; or the University's Vice President and General Counsel or Chief Compliance and Ethics Officer for clarification, as necessary.

This Code of Ethics applies to all University employees and is complemented by FGCU's Code of Conduct. The FGCU Board of Trustees also has a Code of Ethics.

C. DEFINITIONS

1. *Agency*: means any state, regional, county, local, or municipal government entity of Florida, including a state University.
2. *Business Entity*: means any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in Florida.
3. *Conflict or Conflict of Interest*: means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

4. *Gift*: means a tangible or intangible item that is paid or given to an employee, or to any other person on his/her behalf, by a person or entity that either does or seeks to do business with FGCU, for which equal or greater consideration is not given within 90 days of receipt of the gift. Gift for purposes of ethics in government and financial disclosure required by law is further defined in Section 112.312 (12) (a), (b) Fla. Stat., also available at the following link:
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.312.html
5. *Honorarium*: means a payment of money or anything of value given to an employee, directly or indirectly, as consideration for a speech or other oral presentation or for any writing other than a book that has been published or is intended to be published.
6. *Material Interest*: means direct or indirect ownership of more than five (5) percent of the total assets or capital stock of any Business Entity.
7. *Purchasing Agent*: means a University employee having the authority to commit the expenditure of funds through a contract for, or the purchase of, any goods, services, or interest in real property for FGCU, as opposed to the authority to request or requisition a contract or purchase by another person.
8. *Relative*: means an individual who is related to an employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or any other person having the same legal residence as the employee.

D. CODE OF ETHICS FOR UNIVERSITY EMPLOYEES

1. Prohibited Actions or Conduct
 - a. Solicitation or Acceptance of Gifts and Honoraria
 - 1) You may not solicit, directly or indirectly, any Gift or Honorarium for personal benefit from a person or entity that does or seeks to do business with FGCU. [FGCU Policy 1.012 (V) (A)]
 - 2) You may not accept a Gift or Honorarium with a value greater than one hundred dollars (\$100) for personal benefit when acceptance gives the appearance of influencing your objectivity with respect to University business. [FGCU Policy 1.012 (V) (B)]
 - 3) If you file a Statement of Financial Interests with the Florida Commission on Ethics or serve as a Purchasing Agent on behalf of FGCU, you may not accept a Gift or an Honorarium worth more than \$100 from a political

committee, lobbyist, or vendor doing business with FGCU. [Sections 112.3148 and 112.3149, Fla. Stat.]

- 4) If you file a Statement of Financial Interests with the Florida Commission on Ethics or serve as a Purchasing Agent on behalf of FGCU, you may accept a Gift valued at more than \$25 but not exceeding \$100 from a lobbyist, political committee, or vendor doing business with FGCU. However, the donor (the person who gives you the Gift) must report the Gift on Commission on Ethics Form 9 (Quarterly Gift Disclosure) by the last day of the quarter for Gifts given in the preceding quarter, and the donor must inform you that the Gift will be disclosed. [Section 112.3148(6), Fla. Stat.]
- 5) If you file a Statement of Financial Interests with the Florida Commission on Ethics or serve as a Purchasing Agent on behalf of FGCU; and if you receive a payment for expenses related to an Honorarium event from someone who is prohibited from giving you an Honorarium, you must disclose on Commission on Ethics Form 10 (Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses), the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, and the total value of the expenses. The donor paying the expenses must provide you with a statement about the expenses within 60 days of the Honorarium event, and the statement should be attached to the Form 10. [Section 112.3149(6), Fla. Stat.]
- 6) The decision to accept a Gift that is made for tax-deductible purposes shall be made by the University Foundation. The decision to accept any other Gifts to the University shall be made in consultation with administration of the relevant University component and the University Foundation. [FGCU Policy 1.012 (V) (D)]

b. Unauthorized Compensation

You, as well as your spouse and minor child, are prohibited from accepting any compensation, payment, or thing of value when you know or, with the exercise of reasonable care should know, that the unauthorized compensation is given to you or your spouse or minor child, to influence your vote or other official action. [Section 112.313(4), Fla. Stat.]

c. Misuse of Public Position

You may not use or attempt to use your FGCU position, or the resources thereof, to obtain a special privilege or benefit for yourself or others. [Section 112.313(6), Fla. Stat.]

d. Disclosure or Use of Certain Information

You may not disclose or use information not available to the public and obtained by reason of your FGCU position for the personal benefit of yourself or others. [Section 112.313(8), Fla. Stat.]

2. Prohibited Employment and Business Relationships

- a. Doing Business with FGCU. You may not rent, lease, or sell any realty, goods, or services to FGCU while acting in your private capacity. In addition, if you serve as a Purchasing Agent on behalf of FGCU, you may not purchase, rent, or lease any realty, goods, or services for the University from a Business Entity in which you or your spouse or child owns a Material Interest. [Section 112.313(3), Fla. Stat.]
- b. Conflicting Employment or Contractual Relationship. You may not be employed by, or hold a contract with, any Business Entity or Agency doing business with FGCU. In addition, you may not hold any employment or have a contractual relationship which poses a frequently recurring conflict between your private interests and your FGCU duties, or which impedes the full and faithful discharge of your FGCU duties. [Section 112.313(7), Fla. Stat.]

The conflicts discussed in the preceding paragraph may not apply when:

1. The business is rotated among all qualified suppliers within a city or county.
2. The contract is awarded by sealed, competitive bidding to the lowest or best bidder and neither you nor your spouse or child, participated in or influenced the determination of the bid specifications or the lowest or best bidder.
3. An emergency purchase must be made to protect the public.
4. The aggregate of any such transactions does not exceed \$500 in a calendar year. [Section 112.313(12), Fla. Stat.]

3. Restrictions on Employing and Contracting with Relatives

- a. Nepotism. Employment of Relatives at FGCU is permitted, provided there is no direct supervisory responsibility between related persons and the functions of their positions do not create a Conflict of Interest. You are considered to be in the direct supervisory line of a Relative even when you are separated by intermediary positions within the chain of command. [Section 112.3135, Fla. Stat.; FGCU-PR5.010]
- b. Ownership Interest. You are prohibited from procuring contractual services on behalf of FGCU from a Business Entity in which a Relative is an officer, partner, director, or proprietor, or in which you, your spouse, or child owns a Material Interest. [Section 112.3185(6), Fla. Stat.]

4. Post Employment Restrictions

- a. **Lobbying.** The President, Vice Presidents, and Deans of FGCU are prohibited from being compensated for personally representing another person or entity before the University for a period of 2 years after leaving their position, unless employed by another Agency of state government. [Section 112.313(9), Fla. Stat.]
- b. **Lifetime Representational Ban.** Once you leave FGCU, you are prohibited from having an employment or contractual relationship with any Business Entity (other than a public Agency) in connection with a contract for services in which you participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation, while an FGCU employee. However, if your position is eliminated and your duties are subsequently performed by the Business Entity, under certain conditions you may enter into an employment or contractual relationship with the Business Entity, if the President provides a written determination that the best interests of FGCU will be served. [Section 112.3185(3), Fla. Stat.]
- c. **Two Year Representational Ban.** For two years after you leave FGCU, you are prohibited from having an employment or contractual relationship with any Business Entity (other than a public Agency) in connection with a contract for services that was within your responsibility while serving as an FGCU employee. However, if your position is eliminated and your duties are subsequently performed by the Business Entity, this subsection may be waived if the President provides a written determination that the best interests of FGCU will be served. [Section 112.3185(4), Fla. Stat.]
- d. **Contractual Services to FGCU.** If you terminate employment from FGCU (by retiring or resigning from your position) and then return under a contractual arrangement, you are prohibited during your first year after leaving FGCU from being paid more than the annual salary you received at the time of your termination. This subsection may be waived if the President determines that such waiver will result in significant time or cost savings to FGCU. [Section 112.3185(5), Fla. Stat.]

5. Public Disclosure of Financial Interests

a. Overview

Conflicts of Interest can occur when you make decisions in your capacity as a University employee that affect your personal financial interests. To demonstrate transparency and avoid Conflicts of Interest, certain University officials and employees must file a Statement of Financial Interests with the Florida Commission on Ethics. The disclosure process serves to remind you of the obligation to put your University employment above personal gain. It

also helps citizens to monitor the considerations of employees who participate in University policy decisions encumbering and expending tax dollars.

b. Who Must File

The President, Vice Presidents, Director of Internal Audit, Chief Compliance and Ethics Officer, Deans, Directors of University offices or programs primarily responsible for financial matters, as well as business managers and Purchasing Agents with the authority to make a purchase exceeding the threshold amount provided for in Florida Statute 287.017 for CATEGORY ONE, must file a Statement of Financial Interests with the Florida Commission on Ethics. [Section 112.3145, Fla. Stat.]

c. What Must Be Disclosed

The disclosure requirements are set forth fully on the Commission on Ethics Form 1, Statement of Financial Interests. In general, you are required to report the name of your employer(s), addresses of real property holdings, and certain relationships with, and ownership interests in, specified types of businesses such as banks, insurance companies, and utility companies. Although you will provide specific information about your income, real and personal property, and business arrangements, you are not required to disclose any dollar amounts. [CE Form 1, Statement of Financial Interests]

d. When Must an Employee File

You must file an initial financial disclosure report within 30 days of your appointment or the beginning of your employment. Thereafter, you must file an annual financial disclosure report by July 1 following each calendar year in which you held the position. Finally, you must file a final financial disclosure report within 60 days of leaving your position. [Section 112.3144, Fla. Stat.]

E. PENALTIES

Violation(s) of this Regulation could subject you to progressive and cumulative discipline as outlined in the University's Regulation on Disciplinary Actions or in the Collective Bargaining Agreement, as applicable. In addition, the State of Florida could subject you to civil fines and punishment as contained in Section 112.317, Florida Statutes, as well as a fine for failing to timely file a Statement of Financial Interests with the Florida Commission on Ethics as contained in Section 112.3144, Florida Statutes.

Action by Florida Gulf Coast University Board of Trustees

Approved: _____

Specific Authority

Sections 112.312 (12) (a) & (b), 112.313(6), 112.3135, 112.3144, 112.3145, 112.3148,
112.3185(3), 112.3185(4), 112.3185(5), 112.313(9), 112.317, Fla. Stat.

FGCU-PR5.010 Nepotism

FGCU Policy 1.012, Gifts and Honoraria

History of Regulation

New

Effective Date of Regulation
