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Florida State College at Jacksonville (College) and its District Board of Trustees (DBOT) are committed to the achievement of excellence in the fulfillment of the mission and goals of the College. This standard of excellence shall guide the administration in carrying out its duties and responsibilities for the total operation of the College.

**Purpose**

The purpose of Standards of Business Conduct and Ethics is to (1) emphasize the College’s commitment to ethics and compliance with federal and state law; (2) set forth basic standards of ethical and legal behavior; (3) provide reporting mechanisms for known or suspected ethical or legal violations; and (4) help prevent and detect wrongdoing.

The establishment of Standards of Business Conduct and Ethics is an integral part of the College’s Compliance Program, which serves to ensure compliance with the rules, regulations and laws that apply to the College as a public entity and government contractor. The DBOT and President established the Compliance Program pursuant to the power vested in them by Florida Statute to develop and implement board rules, administrative procedures and desktop procedures to comply with all relevant federal and state regulations.


**Procedure**

A. Duty to Obey the Law:

1. Duty to Obey All Applicable Laws - The College and all its employees, business partners and student workers must obey all applicable state and federal laws. The College will hold each responsible for being familiar with all laws and regulations that govern their respective area of responsibility and to be generally aware of possible legal issues and exposures or threatened litigation. Employees should seek immediate advice from the Office of General Counsel whenever they have a question concerning any application of the law.
2. Failure to Uphold the Duty to Obey the Law - Failure to follow applicable laws can result in a conviction of misdemeanor and felony offenses, and could result in imprisonment and/or fines and restitution. As an organization, the College could be subject to civil penalties that could be significant.

B. Duty of Ethical Conduct:


1. Conduct Professional Duties and Responsibilities with High Ethical Standards. The College expects every employee, business partner and student worker to adhere to its high standard of excellence and ethical behavior. This means to know the laws, rules and regulations that govern one’s professional duties and responsibilities, and at all times act within the spirit and intent of the laws, rules and regulations. This also means to conduct one’s self solely in furtherance of the College’s mission and goals rather than in self-interest. Further, the College expects that all

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business conducted on behalf of the College will be in accordance with its high standards of excellence and standards of ethics.

2. **Treat All Employees and Student Workers Fairly, with Dignity and Respect.** The College affirms its commitment to ensure that each member of the College community shall be permitted to work and learn in an environment free from any form of discrimination or harassment based upon race, ethnicity, creed, color, national origin, religion, age, sex, gender, disability, marital status, sexual orientation/expression, veteran status, genetic information or any other factor protected under applicable federal, state and local laws, rules and regulations against students, employees, applicants for admission and applicants for employment is prohibited. Sexual harassment, sexual assault, domestic violence, dating violence and stalking are forms of prohibited sex discrimination. The College recognizes its obligation to establish and promote a work and learning environment in which diversity is respected and appreciated and equal access and equal opportunity are provided as referenced in Board Rule 6Hx7-2.1, Equal Access/Equal Opportunity: Non-Discrimination, Harassment or Retaliation.
  
3. **Conduct Business Dealings with High Ethical Standards.** Employees involved in bid preparation, evaluation of proposals, contract negotiations, purchasing or other business dealings must be certain that all statements, communications, certifications, representations and disclosures are accurate and truthful in keeping with and promoting ethical behavior. The College will deal honestly with clients, suppliers, vendors, contractors, independent contractors and financial partners, (collectively referred to as "Suppliers"), and will be fair, ethical and consistent in all business dealings.
  - a. All College procurement employees shall promote fair and open competition, in accordance with Federal Regulations, Florida Statutes, State Board of Education Rules, College Board Rules and College APMs. Procurement employees shall avoid all conflicts of interest or the perception thereof, all undue influences, and all favoritisms in dealings with College Suppliers. As part of the evaluation or award process of a solicitation, procurement employees are prohibited as part of a college solicitation process from soliciting, provoking or considering a Supplier's gifts or donations to the College or its Foundation. This prohibition does not prevent a procurement employee from issuing a solicitation which, or providing procurement services to facilitate helping an evaluation committee that, properly evaluates a supplier's auxiliary service bids or proposals to provide the College commissions, rent, pouring rights, or for appropriate seller rebates and discounts which were included in the written solicitation.
  - b. All College employees involved in any bid/proposal preparation, evaluation committees of bids or proposals, contract negotiations, purchasing or other business dealings with Suppliers, (including all employees using a College-issued Procurement Card (P-card), College Purchase Orders, (POs), or College Disbursement Requests, (D.R.s)), shall avoid all conflicts of interest or the perception thereof, undue influences and favoritism situations with College Suppliers.


This includes, but is not limited to, a prohibition on any College employee soliciting, provoking or considering gifts or donations from Suppliers to the College or its Foundation as part of the evaluation or award process of a College purchase.

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4. **Avoid and Disclose Conflicts of Interest.** College employees, business partners and student workers shall comply with all applicable provisions of Chapter 112, Florida Statutes, regarding conflict of interest. Realizing that the success of the College is to a great extent dependent upon the good will, support, and respect of the community and that all contacts between employees, business partners and student workers and the community affect public opinion of the College, all employees, business partners and student workers shall conscientiously evaluate extra-college activities and employment with regard to professional and ethical propriety. Employees, business partners and student workers should avoid actual or potential perceived conflict of interest situations. Employees, business partners and student workers shall conduct their personal financial obligations and other transactions independent of their responsibilities to the College. Improper use of a public officer's or a College employee, business partners or student worker's position, property or resource within their control is a violation of Board Rules and Florida Statutes and may subject the violator to criminal and civil sanctions.

The Uniform Guidance prescribes that federal "grants personnel" are required to disclose any "significant financial interests" (SFI) or those of their spouses, partners or dependent children. This disclosure will be accomplished by completing FSCJ's Conflict of Interest Form. A potential financial conflict of interest exists when the Director of Project Accounting and the Associate Vice President of Finance reasonably determine that a SFI could directly or indirectly affect the design, conduct or reporting of federally funded research, teaching or mentoring. Grants personnel should refer to the APM 02-0213, Conflict of Interest for Sponsored Projects to review the procedures and documenting of either their conflict of interest or lack thereof on all federally funded grants and contracts.

5. **Avoid the Solicitation and Acceptance of Gifts (Gratuities).** No employee, business partner or student worker shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official action or judgment of the employee, business partner or student worker would be influenced thereby.
6. **Avoid Doing Business with the College.** Subject to certain exemptions as set forth in Section 112.313(12), Florida Statutes, no employee, acting in a private capacity, shall rent, lease, or sell any realty, goods, or services to the College. No employee, business partner or student worker shall either purchase, rent, or lease any realty, goods, or services for the College from any business entity of which the employee, business partner or student worker or their spouse or child is an officer, partner, director, or proprietor or in which the employee, business partner or student worker or their spouse or child, or any combination of them, has a material interest.
7. **Avoid Unauthorized Compensation.** No employee, business partner or student worker or their spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such employee, business partner or student worker knows, or, with the exercise of


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reasonable care, should know, that it was given to influence any action in which the employee, business partner or student worker was expected to participate in their official capacity.

8. **Avoid Misusing Public Position.** No employee, business partner or student worker shall use or attempt to use their official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself /herself or others.
  
9. **Avoid Conflicts of Employment or Contracting Relationships.** Subject to certain exemptions as set forth in Section 112.313(12), Florida Statutes, no employee or student worker shall have or hold any employment or contractual relationship with any business entity which is doing business with the College; nor shall an employee or student worker have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her duties.
  
10. **Avoid Disclosing Certain Information.** No employee, business partner or student worker shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity. Individuals hired by the College pursuant to contracts with other entities shall be required to execute a confidentiality agreement upon initial employment.
  
11. **Avoid Employees Holding Office.** No employee, business partner or student worker shall hold office as a member of the College's DBOT while, at the same time, continuing as an employee of the College.
  
12. **Duty to Report Non-Compliance.** Each employee, business partner or student worker has a duty to report suspected non-compliance with applicable rules and regulations to their line management, Office of General Counsel, or another member of the College President's Cabinet. Such reports will be investigated promptly, with due respect for the rights and privacy of all who may be involved in such an investigation. Employees, business partners or student workers who honestly make such reports will be protected from retaliation. Suspected unethical behavior or ethical violations may also be reported to the College's confidential hotline, 1-877-578-6801 or to the Office of Inspector General at 1-800-543-5353. Calls to this hotline are kept confidential. If a caller's information meets the Whistle Blower's Statute criteria, the caller's identity is confidential unless disclosure is necessary to protect health, safety or welfare, or is absolutely necessary or unavoidable during the investigation.

**C. Duty to Comply with Applicable Regulations in Federal Contracting:**


1. The College has developed a [Code of Business Ethics and Conduct for Federal Contracting](#) which is herein incorporated by reference.

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2. The College and its employees, business partners and student workers have a duty to comply with all such regulations including but not limited to the Federal Acquisition Regulation, (FAR), federal contracting agency regulations and other rules and regulations as are applicable.
3. The College through the Office of General Counsel will ensure that appropriate training and compliance oversight is provided as required under the FAR, *Uniform Guidance*, and all other applicable rules and regulations.
4. **Duty to Report Non-Compliance.** In connection with a federal contract, each employee, business partner or student worker has a duty to report suspected non-compliance with applicable rules and regulations, including a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 U.S.C., or a violation of the civil False Claims Act (31 U.S.C. 3729.3733) to their line management, Office of General Counsel, or another member of senior management. Such reports will be investigated promptly, with due respect for the rights and privacy of all who may be involved in such an investigation. Employees, business partners or student workers who honestly make such reports will be protected from retaliation. Suspected unethical behavior or ethical violations may also be reported to the College's confidential hotline. Calls to this hotline are kept confidential. If the College finds there is credible evidence for a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 U.S.C., a violation of the civil False Claims Act (31 U.S.C. 3729.3733), or inappropriate overpayments in connection with a federal contract or subcontract, then the College will timely disclose, in writing, the violation to the Office of Inspector General. The College, depending upon the rules of the awarding agency may be required to report fraud or conflicts of interest to those agencies under the *Uniform Guidance*.

**D. Duty of Financial Responsibility:**

1. **Report Financial Condition and Results of Operations Fairly and Honestly.** The College will maintain all books and records in accordance with generally accepted accounting principles, government regulatory requirements, and established finance and accounting policies. All reports required must be made accurately, timely and in compliance with all applicable laws and regulations. All employees, business partners or student workers must cooperate fully with internal and external auditors during their examinations of the College's books, records and operations.
2. **Comply with the College's System of Internal Controls.** The College must maintain an effective system of internal controls. It is imperative that each employee, business partner or student worker understand his or her role in complying with, and monitoring compliance with all relevant policies and procedures. The College system of internal controls is complemented by the external audit capability. The State of Florida Office of Auditor General performs regular audits on critical financial and operational processes. Federal, local, and agency staffs also regularly audit college functions. The College utilizes an external CPA firm familiar with College processes to perform investigations and audits of areas not normally addressed by the State of Florida or Federal audits.

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E. Compliance Procedures:

1. The College expects all employees, business partners and student workers to work together to ensure prompt and consistent action against violations of this administrative procedure. However, in some situations it may be difficult to know if a violation has occurred. Since every possible scenario cannot be anticipated, it is important that the College have a way to approach a new question or problem. The approach to a new question or problem shall include the following:
  - a. Collect all factual information.
  - b. Review information and determine if practice seems unethical or improper.
  - c. Review concerns with line supervisor.
  - d. Seek additional assistance, if necessary, from a Cabinet member or General Counsel's Office.
  - e. Inform employee, business partner or student worker that the college has a confidential hotline to report issues of concern.

F. Failure to Comply:

1. Employees and student workers whose conduct is found to violate ethical standards will be subject to disciplinary action, up to and including termination and referral for criminal prosecution, if applicable, in accordance with the Rules of the DBOT and all applicable local, state and federal laws.

REFERENCES: 2 CFR 200, Title 18 USC, 31 U.S.C. 3729.3733, F.S. 112.313, 1001.64, 1001.65

Adopted Date: May 31, 2011

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