

6Hx19-2.41 CODE OF ETHICS, COMPLIANCE AND WORKPLACE CONDUCT

This Board Policy establishes the framework and guidelines for all employees and representatives of Pasco-Hernando State College (College) to uphold the highest level of professional standards and to comply with Florida's Code of Ethics, Chapter 112, Florida Statutes including the legislative intent expressed in Section 112.311(6), Florida Statutes.

Nepotism

It is the policy of the District Board of Trustees (DBoT) that no favoritism shall be shown in the personnel processes at the College because of familial relationships.

For purposes of this Rule, "Relative" is defined as a spouse or the immediate family of that spouse or the immediate family of an employee or member of the DBoT. The term "immediate family" is defined as a mother, father, sister, brother or child whether related by blood or by law. As to children, it applies to natural children as well as adopted or foster children.

The term "employee" refers to an administrative, faculty, or staff member who receives compensation, either full or part time from the College. The term also includes any volunteer who provides services to the College through an official arrangement with the College or a College organization.

No employee shall serve as a member of a screening committee for a full-time position or conduct interviews of part-time or temporary employees, where a relative of that employee is or expects to be an applicant for the position. Further, no employee of the College shall recommend, to the President, the hiring, promotion or any other personnel action of or relating to a relative. It is incumbent upon all employees to notify the person overseeing the screening committee immediately upon becoming aware of the application of a relative and to disqualify him/her from further actions relating to that screening process.

No employee shall directly supervise nor have evaluation responsibilities, either primary or secondary, for a relative.

No relative of a member of the DBoT shall be employed by the College during the members' service on the DBoT, however, in the event of appointment to the DBoT subsequent to the employment of the relative, the employee shall not be required to resign from the College but disclosure of the relationship shall be made by the member and the employee to the President. Such disclosures shall be maintained by the President with the official records of the DBoT.

All applicants for employment at the College shall disclose, on the application for employment, all relatives then employed full time at the College. No person will be hired or promoted into a position that creates a violation of this Policy.

Nothing in this Policy shall be deemed to disqualify an otherwise qualified applicant from employment at the College solely based on being a relative of a current employee.

Political Involvement

No employee of the College shall solicit support for or be involved in the preparation, production, or dissemination of political materials of any candidate during assigned work hours at the College or using College property or equipment. No employee engaging in political activities shall act in any manner which would indicate that the College supports or endorses an issue or candidate.

Any person employed or retained by the College wishing to seek an elected public office shall establish in advance a specific written agreement with the President relative to activities in campaigning for and service in that office.

Conflict of Interest

Members of the DBoT and employees of the College are prohibited from engaging in contractual, employment, personal, familial, and/or financial activities that are inappropriate and unlawful pursuant to Florida Statutes, Sections 112.311 through 112.326, Code of Ethics for Public Officers and Employees.

The selection of vendors and awarding of contracts by the College shall be conducted without regard to prior, current, or future contributions, whether in-kind, cash, or otherwise, to the Pasco-Hernando State College Foundation, Inc. or the College. The existence or non-existence of a business or contractual relationship with the College shall not prohibit an entity from making such contributions.

Endorsement of Products or Services

No employee or other College representative, including authorized student organizations, shall give written or oral endorsement in the name of the College to any product or service. Any agreement to endorse a product or service must be recommended by the President and approved by the DBoT. For purposes of this Policy, "endorsement" is defined as a public or official statement of support for a product or service whether for compensation or otherwise. Such statement may be through use in a manner as to visibly demonstrate support for the product or service as well as through verbal or written statements.

Acceptance of Gifts

The Statutory Code of Ethics for Public Officers and Employees found in Florida Statutes, Chapter 112, Part III, shall apply to the College's DBoT and all employees. Members of the College's DBoT and employees shall not solicit or accept anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their official action or judgment would be influenced by such gift. The acceptance of gifts may, upon substantiation, be a basis for termination of employment and the termination of any business relationship by the College with any person, agency, or organization that may be involved.

Possession, Distribution, and Consumption of Alcohol and Drugs

This paragraph applies to all members of the College community including faculty, staff, students, contractors, visitors and guests on campus and at College sponsored functions. The sale, manufacture and distribution of alcoholic beverages is strictly prohibited, unless authorized as provided herein. Alcoholic beverages, limited to beer and wine, may be dispensed, possessed and consumed upon the written approval of the President. The President shall establish procedures to ensure:

- strict adherence to all local, state and federal laws;
- management by a licensed and insured vendor responsible for serving all alcoholic beverages;
- state funds are not used to purchase alcoholic beverages or the services to dispense and manage its consumption; and,
- non-alcoholic beverages and food are served where alcohol is served.

The illegal use of controlled substances by employees while on College premises, or while engaged in College sponsored activities off campus, is strictly prohibited. No employee shall manufacture,

sell, distribute, provide drugs, or make arrangements for the same on College premises or while engaged in College sponsored activities off campus. For a violation occurring in the workplace, the employee must notify the appropriate supervisor immediately or upon the release of bond. No employee shall report to work, or work on College premises, while intoxicated, impaired, or under the influence of drugs or alcohol.

When there is a reasonable suspicion of drug or alcohol abuse during duty hours, the College may demand an employee to undergo immediate drug/alcohol testing. The College may also require personnel to undergo a medical examination where there is a reasonable suspicion that drug/alcohol abuse during non-duty hours contributes to misconduct in office, gross insubordination, willful neglect of duty, or incompetency,

Drug or alcohol abuse shall subject an employee to termination, suspension, or other disciplinary action, as shall willful failure to undergo a drug/alcohol test or medical examination when requested by the College. Further, Worker's Compensation benefits may not be available to an employee who is injured on the job and whose injury was occasioned primarily by the intoxication of the employee or the influence of non-prescription controlled substances. An employee using controlled substances, as outlined in Section 893.03, F.S., that are lawfully prescribed by a physician, shall notify the college in advance of this fact. The notification shall be in writing and shall include the name of the physician and identification of the controlled substance.

Educational and Workplace Harassment

Harassment within the College's education programs, activities and work environment in any form, whether directed toward supervisors, employees, or students, will not be condoned or tolerated by the College.

"Harass" means to engage in a course of conduct directed at a specific person based on race, religion, sex, national origin, older age (beginning at age 40), disability, or genetic information (including family medical history) which causes substantial emotional distress to that person and serves no legitimate purpose. Harassment includes behavior that can reasonably be considered to adversely affect the work environment (that is, potentially giving rise to a "hostile work environment"). Harassment also includes "quid pro quo harassment," conduct that generally results in a tangible employment or academic decision based upon acceptance or rejection of advances or requests for sexual or other favors.

The College shall adopt procedures for handling complaints of harassment.

Disclosure of Financial Interests

Persons holding the following College positions will file a "Statement of Financial Interests" form with the Supervisor of Elections of the county in which they reside by noon of the first Monday each July or upon beginning employment with the College.

- Members of the DBoT;
- President;
- All Vice Presidents;
- All personnel (regardless of title) with the power or authority to make a purchase or expenditure on behalf of the College in excess of \$35,000.

The President shall develop procedures to ensure ongoing review of the Statements of Financial Interest to determine actual or potential conflicts of interest.

Reporting of Suspected Misconduct, Fraud or Other Illegal Acts in the Workplace

The DBoT recognizes that ensuring the integrity of College processes and operations is critical to providing fair and affordable access to higher education within our service district. It shall be the College's practice to identify and promptly investigate any misconduct, fraud, or other dishonest activities involving the College or allegations relating to the college, and when appropriate to pursue legal remedies. Such behavior will not be tolerated nor will it be overlooked.

The College aims to promote and maintain an organizational environment and culture that promotes honesty and ethical behavior by raising awareness of the need for high standards for both personal and professional conduct. Employees at all levels are responsible for exercising due diligence and control to prevent, detect and report dishonest conduct, acts of fraud, or other illegal activities.

For the purposes of this Board Policy, misconduct, fraud, and other illegal acts shall include but not be limited to:

- Theft or misappropriation of College assets;
- Submitting false claims for payments or reimbursement;
- Accepting or offering a bribe or accepting gifts or other favors under circumstances that might lead to the expectation that the gift or favor was intended or influence an employee's decision-making while serving the College;
- Accepting a commission from or paying same to a third party;
- Black mail or extortion;
- "Off Books" accounting or making false or fictitious entries;
- Knowingly creating and/or distributing false or misleading financial reports;
- Paying of excessive prices or fees where justification thereof is not documented;
- Violation of the College's procedures with the aim of personal gain or to the detriment of the College;
- Willful negligence intended to cause damage to the material interest of the College;
- A dishonest, irresponsible or deliberate act against the interests of the College.

The President shall develop procedures for reporting allegations of dishonest conduct, acts of fraud, or other illegal acts and for the investigation of such allegations, which may be achieved through internal or external investigation (including the course of routine audits), or pursuant to a criminal conviction, or through written acknowledgment by the employee(s) concerned. Findings of misconduct, fraud or other illegal acts shall result in the appropriate disciplinary and legal actions against the employee(s) and/or entities, to include the possibility of termination of employment, restitution and/or forwarding information to the appropriate authorities for criminal prosecution.

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10/21/97; 1/20/09; 5/19/26

Legal Authority:

General Authority: Florida Statutes: 112; 440; 877; 893; 1001.64; 1001.65; 34
CFR Part 85, Subpart F (1988); Public Law 101-226 S. 22
(1989)

Other References: Florida Administrative Code: 6A-19.008(1)

Law Implemented: Florida Statutes: 104.31, 110.112(5); 440.09; 877.111; 893.03;
893.13; 1000.05; 1001.64(1)(2)(4)(18)(43)(44);
1001.65(1)(3)(16)(24); 112.311-3145