



# Santa Fe College Rules Manual

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Title: **Conflict of Interest and Code of Ethics** **Rule 3.17**

General Authority: FS 1001.64

Law Implemented: FS 112.311 – 112.3261

Effective Date: January 19, 2022

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Purpose: To ensure compliance with Florida's Code of Ethics for Public Officers and Employees and establish institutional commitment to ethical standards.

## **I. Introduction**

The District Board of Trustees is committed to the highest standards of excellence and professionalism for both the Board and the College. Consistent with the Florida Constitution and Florida statutes, the achievement of these standards is supported by the establishment of a code of ethics and of professional conduct that serves as a foundation for the conduct of College operations.

Both the Trustees and other College officials shall promote and maintain an organizational environment and culture that promotes ethical conduct by setting high standards for professional conduct. All Trustees, employees, and advisory committee members of the College are expected to carry out their duties in a professional manner with integrity, respect, and civility and in accordance with all applicable College rules, policies, procedures, and administrative guidelines, including but not limited to the Sponsored Projects Handbook, and controlling federal and state law.

## **II. Statutory Standards of Conduct for Trustees and Employees**

Members of the District Board of Trustees and College employees shall be governed at all times by the applicable provisions of the Code of Ethics for Public Officers and Employees (ss. 112.311-112.3261, F.S.), as may be amended from time to time, with regard to matters including but not limited to the following:

1. Solicitation or acceptance of gifts

No Trustee or employee 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 recipient would be influenced thereby.

2. Doing business with the College

Subject to certain exemptions as set forth in Section 112.313, Florida Statutes, no Trustee or employee acting in a private capacity shall rent, lease, or sell any realty, goods, or services to the College. In addition, no Trustee or employee acting in their official capacity as a purchasing agent, or otherwise acting in their official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the College from any business entity of which the Trustee, employee, or their spouse or child is an officer, partner, director, or proprietor or has a material interest.

Prohibitions against doing business with the College shall be construed to prohibit College employees, acting in a private capacity, from engaging in the sale of instructional materials to students except as a regular part of the operation of the College such as sales through the College bookstore (see also section on Faculty-Authored Course Materials below).

3. Unauthorized compensation

No Trustee or employee or their spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such person knows, or, with the exercise of reasonable care, should know that it was given to influence any action in which the person was expected to participate in their official capacity.

4. Misuse of public position

No Trustee or employee shall corruptly use or attempt to use their official position or any property or resource which may be within their trust, or perform their official duties, to secure a special privilege, benefit, or exemption for themselves or others.

5. Conflicting employment or contractual relationship

Subject to certain exemptions as set forth in Section 112.313(12), no Trustee or employee shall have or hold any employment or contractual relationship with any business entity which is doing business with the College; nor shall a Trustee or employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between their private interests and the performance of their public duties or that would impede the full and faithful discharge of their duties.

6. Disclosure or use of certain information

No Trustee or employee shall disclose or use information not available to members of the general public and gained by reason of their official position for their personal gain or benefit or for the personal gain or benefit of any other person or business entity.

7. Voting conflicts

No Trustee or employee shall vote in an official capacity upon any measure which would inure to their private gain or loss; which he or she knows or should have known would inure to the private gain or loss of a relative or business associate; or which he or she knows or should have known would inure to the private gain or loss of a parent organization or subsidiary of a corporate principal by which he or she is retained. Such person shall, prior to the vote being taken, publicly state the nature of the person's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of their interest as a public record in a memorandum filed with the Office of the College President.

8. Filing statements of financial interests

Trustees and employees as required by Statute shall file their statements of financial interests in a timely manner with the appropriate state, county, or local government office in accordance with requirements of the Florida Commission on Ethics.

9. Employee Holding Office

No employee shall hold office as a member of the District Board of Trustees while, at the same time, continuing as an employee of the College.

Nothing in this rule shall be construed to prevent any Trustee or employee of the College from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by such employee of their duties to the College or which is not otherwise prohibited by law.

### **III. Board Members' Performance of Duties and Responsibilities**

In carrying out their duties and responsibilities, the members of the Board shall perform in the following manner:

1. Acquaint themselves with laws, rules, and policies relating to public higher education and observe and enforce them.

2. Understand that the basic function of Trustees is to make policy, not to administer or implement, and to differentiate between these two functions.
3. Represent the entire College community.
4. Transact College business in Board meetings only. Individual Trustees have no legal status to bind the Board outside such meetings.
5. Give the President full administrative authority for properly discharging professional duties and hold the President responsible for acceptable results.
6. Accept all Board decisions once they are made and assist in carrying them out effectively.
7. Attempt to provide the best program of education possible within the means available.
8. Attempt to procure adequate financial support for the College.
9. Bring any possible conflict of interest to the attention of the other Trustees and the President.

#### **IV. Employees' performance of duties and responsibilities**

In performing their duties and responsibilities on behalf of the College, employees are expected to treat others with respect regardless of differences or points of view. Every College employee is expected to contribute to a safe environment where the free exchange of ideas is encouraged and to treat one another with dignity and respect.

Employees are expected to steward resources in the most thoughtful and prudent manner. Employees are expected to ensure that all resources are used for the designated purpose.

Employees are expected to conduct their business with integrity. Potential conflicts of interest or commitment must be thoughtfully considered and disclosed to the immediate supervisor and/or the President or any Vice President as soon as possible.

Employees shall not use their position for personal/private gain or advantage, to influence or encourage others to perform inappropriate or illegal acts, or to violate laws, regulations, or College policies.

Employees should avoid any apparent conflict and must avoid any actual conflict between their professional responsibilities and personal interests in dealings or relationships with students and program participants. Employees are frequently in a position of trust and influence when they interact with students or employees they supervise. In relationships with students and employees they supervise, employees should be aware of their professional responsibilities and avoid apparent or actual conflicts of interest, favoritism, or bias. In that regard, individuals who have a familial or non-College-business relationship with each other shall not be in the same supervisory chain.

## **V. Faculty-Authored Course Materials**

No employee of the College may demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase specific textbooks or other course materials for coursework or instruction.

Faculty may not use self-authored materials in their own classes as course texts or supplementary texts without prior written approval from the Office of the Provost. Self-authored materials include commercially-produced materials (materials published by a third party whose primary business interest is academic publishing) or reproduced materials (materials that are self-published through a copy, vanity, or subsidy publishing house that publishes books or other materials at the author's expense) written in whole or part by the faculty member. The Office of the Provost may only permit a faculty member to use self-authored materials in their own class if they agree to waive royalties for materials purchased by their own class, assign such royalties to the College for the benefit of students, or otherwise make arrangements such that the faculty member is not benefitting directly from assigning or recommending the materials to the class. In all cases, faculty members must be in compliance with Rule 2.13: Intellectual Property.

## **VI. Advisory Committee Members**

Advisory Committees are established to provide advice, guidance, and feedback to the College related to specific programs or initiatives. Committee members are appointed, and may be removed, by the President and may include employees, students, and community members. Advisory Committees do not have ultimate, legislative, or administrative authority and are not governing boards. They serve voluntarily and without pay. Updated Advisory Committee membership lists will be provided to the Board as an Information item at least annually, as applicable.

In performing their duties, responsibilities, and service on behalf of the College, employees and community members are expected to treat others with respect regardless of differences or points of view. Every committee member is expected to contribute to a safe environment where the free exchange of ideas is encouraged and to treat one another with dignity and respect.

In an effort to avoid the appearance of impropriety, any committee member acting in a professional, business, or familial relationship with any College employee, vendor, or contractor participating in the procurement process shall disclose that relationship in writing to the President for consideration regarding future membership on the committee. An employee that fails to disclose a known relationship or conflict may be subject to disciplinary action including, but not limited to, separation from employment.

## **VII. Reporting concerns or violations**

Each member of the College community is expected to report violations or concerns about possible violations of this rule that come to their attention. Supervisors have a special duty to promote adherence to the ethical standards set forth in this document, recognize and report violations, and enforce the standards.

Violations of applicable laws and College policies and procedures may result in appropriate disciplinary action including, but not limited to, dismissal from employment or membership on an advisory committee. In addition, violations of relevant Florida law may subject the employee to the civil penalties provided in Section 112.317, Florida Statutes, as well as subject the violator to the criminal penalties provided in Section 112.3173, Florida Statutes.

The College is committed to the protection of all parties (the reporting and responding parties) related to the reporting of a concern or a violation of the standards set forth in this rule, and retaliation against any party will not be tolerated. Similarly, making a knowingly false or frivolous report of violation or suspected violation of this policy is prohibited and may result in disciplinary action.

The President is authorized to adopt procedures to implement this rule.