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BROWARD COLLEGE

Define yourself.

To: Members of the Board of Trustees

From: J. David Armstrong Jr., President

Date: March 31, 2009

Place: Regular Meeting of the Board of Trustees
Broward College
North Campus - Bldg. 46/Room 152
1000 Coconut Creek Boulevard
Coconut Creek, Florida

Subject: Agenda Item VII - J - Policies

Brief Description: These items represents re-writes and revisions of College policies as requested by the Board of Trustees.

Benefit to BCC: Policy revisions are made to reflect legal review and statutory changes.

Relationship to College Master Plan: The overall review of college policies reflects Broward College's commitment to the highest ethical standards and helps ensure continued compliance with State requirements.

RECOMMEND APPROVAL.

Policy Manual



| | |
|---|------------------|
| Title <u>Standard Code of Ethics and Professionalism for Public Officers and Employees of Agencies</u> | 6Hx2-1.15 |
| Legal Authority: <i>Fla. Statutes 112.311-3173</i> | Page: 1 of 5 |

GENERAL STATEMENT

According to Section B of Article II of the Florida Constitution :

Ethics in government. – A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”

Section 112.311 *Florida Statutes*, clearly sets forth legislative intent and declaration of policy regarding a code of ethics for public officers and employees.

“It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern”.

THE STANDARD OF ETHICS AND PROFESSIONALISM

The Code of Conduct expresses the professional commitment of all personnel in their service to the College and thus encourages personnel to aspire to the highest standards of conduct. All employees are expected to carry out their duties in a professional manner and in accordance with all College policies and procedures and Federal and State law.

The College encourages the exchange of diverse ideas and perspectives within a culture of respect. Consistent with College Policy 6Hx3.34, *Discrimination, Harassment and Retaliation*, all personnel are expected to treat all members of the College community equitably with respect and courtesy. Confidentiality of College records as delineated in College Policy 6Hx2-5.03, *Student Records (Family Educational Rights and Privacy Act (Family Educational Rights and Privacy Act (FERPA))* and College Policy 6Hx2-3.20, *Employee Records*, must be maintained.

Florida Statutes, Chapter 112.311, clearly sets forth legislative intent and declaration of policy regarding a code of ethics for public officers and employees. Each officer and employee shall observe both the spirit and the letter of the provisions of Chapter 112 as set forth below:

It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government

History: Revised as Policy 3.30 on June 17, 1980; revised on December 16, 1986; revised and re-numbered on May 21, 1997

AGENDA ITEM *111-5*

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| Approved by the Board of Trustees | Date 5/21/97 | President's Signature <div style="text-align: center;">MAR 31 2009</div> | Date 00/00/00 |
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ENCLOSURE 1

Policy Manual



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|---|------------------|
| Title <u>Standard Code of Ethics and Professionalism for Public Officers and Employees of Agencies</u> | 6Hx2-1.15 |
| Legal Authority: <i>Fla. Statutes 112.311-3173</i> | Page: 2 of 5 |

employees in situations where conflicts may exist.

It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests, except when conflicts with the responsibility of such officials to the public cannot be avoided.

It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

History: Revised as Policy 3.30 on June 17, 1980; revised on December 16, 1986; revised and re-numbered on May 21, 1997
AGENDA ITEM VII-J

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| Legal Authority: <i>Fla. Statutes 112.311-3173</i> | Page: 3 of 5 |

In addition to the above statutory requirements, all College personnel have a general duty to conduct themselves in a manner consistent with the mission and policies of the College so as to strengthen the public's trust and confidence in the integrity of the College.

THE POLICY and THE FACULTY AND STAFF

The following information outlines the requirements for College personnel with regard to both Florida Statutes, Chapter 112.313, referencing Code of Ethics, as well as a general Code of Conduct.

Code of Ethics Requirements

Florida Statutes, Chapter 112.313, further defines standards of conduct for public officers and agency employees:

Solicitation or Acceptance of Gifts. No officer or employee of the College 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 vote, official action, or judgment of the officer or employee would be influenced thereby.

Doing Business with One's Agency. No officer or employee acting in his/her official capacity as a purchasing agent or in any official capacity for the College shall either directly or indirectly rent or lease any realty, goods, or services for the College from any business entity of which he/she or his/her spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his/her spouse or child, or a combination of them, has a material interest. Nor shall an officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the College.

Unauthorized Compensation. No officer or employee of the College or his/her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his/her official capacity.

Misuse of public position. No public officer or employee shall corruptly use or attempt to use his/her official position or any property or resource which may be within his/her trust, or perform his/her official duties, to secure a special privilege, benefit, or exemption for himself/herself or others. This prohibition shall not be construed to conflict with *Florida Statutes*, Chapter 104.31.

Conflicting Employment or Contractual Relationship. No officer or employee shall have or hold any employment, any contractual relationship with any business entity or any agency which

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is subject to the regulation of, or is doing business with, the College of which he/she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the College; nor shall an officer or employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his/her private interests and the performance of his/her public duties or that would impede the full and faithful discharge of public duties.

Disclosure of Use of Certain Information. No officer or employee of the College shall disclose or use information not available to members of the general public and gained by reason of his/her official position for his/her personal gain or benefit or for personal gain or benefit of any other person or business entity.

Employees Holding Office. No officer or employee of the College shall hold office as a member of the Board of Trustees while, at the same time, continuing as an officer or employee of the College.

General or Prevailing Policy. Each officer and employee shall observe both the spirit and the letter of the provisions of *Florida Statutes*, Chapter 112.

Florida Statutes, Chapter 112.3173, addresses forfeiture of retirement benefits. Any officer or employee of the College who is convicted of, or whose employment is terminated because of, committing certain offenses involving a breach of the public trust shall forfeit all retirement benefits. The Commission on Ethics shall be notified by the College when the officer or employee is terminated prior to retirement because of the commission of one of the following specified offenses:

- The committing, aiding, or abetting of an embezzlement of public funds.
- The committing, aiding or abetting of any theft from the College.
- Bribery in connection with the employment of an officer or employee.
- Any felony specified in *Florida Statutes*, Chapter 838, except Chapters 838.15 and 838.16.
- The committing of an impeachable offense.
- The committing of any felony by willfully and with intent to defraud the public, or the College for which he/she acts or by which he/she is employed, of the right to receive the faithful performance of his/her duty as an officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself/herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his/her office or employment position.

History: Revised as Policy 3.30 on June 17, 1980; revised on December 16, 1986; revised and re-numbered on May 21, 1997

AGENDA ITEM VII-J.

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| Legal Authority: <i>Fla. Statutes 112.311-3173</i> | Page: 5 of 5 |

IMPLEMENTATION and OVERSIGHT

The President and/or his/her designee has responsibility for implementation and oversight of this policy. The Vice President for Human Resources and Equity has responsibility for oversight of the code of conduct portions of this policy. Policy violations and appeals will be investigated by the Vice President for Human Resources and Equity and/or his/her designee.

VIOLATION OF POLICY

Violations of this policy will be investigated and may result in consideration of disciplinary action up to and including termination.

AGENDA ITEM V11-J
MAR 31 2009
ENCLOSURE 1

History: Revised as Policy 3.30 on June 17, 1980; revised on December 16, 1986; revised and re-numbered on May 21, 1997

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| Approved by the Board of Trustees | Date 5/21/97 | President's Signature | Date 00/00/00 |
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Policy Manual

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| Title: Voluntary Furlough | 6Hx2-3. _____ |
| Legal Authority: Florida Statutes 110.107; 110.1225 | Page: 1 of 2 |

GENERAL STATEMENT

Broward College (the College) considers employees its most valued resource, and in times of budget constraints, the President, with the approval of the Board of Trustees, may institute a voluntary furlough program to limit the necessity for a reduction in workforce. The College reserves the right to institute or revoke the program based upon College needs.

THE POLICY and THE FACULTY AND STAFF

The College may implement a voluntary furlough program for up to 30 consecutive days in a fiscal year, without adversely affecting certain benefits. The furlough may be extended for up to another 60 days. The duration of the furlough is based on fiscal year boundaries (July 1 through June 30). Both the furlough and the extension request must be submitted, in writing, in advance of use and must be approved by the immediate supervisor, the Vice President or Provost for the area, and the Vice President, Human Resources and Equity. The Human Resources Division will provide implementation guidelines for the program.

Furlough is available for all non-represented Professional Technical Staff and administrators of the College. The furlough program is not available to an employee if a replacement worker is required while the employee is out on leave; or should not result in the need for other employees to work additional overtime.

Medical, dental, group life and disability insurance will remain in effect during the furlough period. Employees will be responsible for his/her share of all payroll deduction obligations including health, vision, optional life, and any other insurance premiums. Arrangements for payment of premiums should be made with the Benefits Office. Retirement contributions shall be reduced in proportion to the reduction in the employee's gross pay. While on furlough, employee is not eligible to accrue sick leave or annual leave. The furlough program is not available to extend Family and Medical Leave.

Furlough will not affect an employee's continuous service, length of service, or seniority with the College, department, or with the position. Employees on furlough have the right to return to their positions at the end of the furlough period, subject to the terms and conditions of applicable contracts in place between the employee and the College.

IMPLEMENTATION and OVERSIGHT.

The Vice President for Human Resources and Equity has responsibility for the implementation and oversight of this policy.

AGENDA ITEM VII-5

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| History: Revised as Policy | | MAR 31 2009 | |
| Approved by the Board of Trustees | Date 00/00/00 | President's Signature ENCLOSURE <u>2</u> | Date 00/00/00 |



Policy Manual

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| Title: Voluntary Furlough | 6Hx2-3. |
| Legal Authority: Florida Statutes 110.107; 110.1225 | Page: 2 of 2 |

VIOLATION OF POLICY.

Policy violations and appeals shall be investigated by the Vice President for Human Resources and Equity and/or his/her designee. Leave abuse shall also subject the employee to appropriate disciplinary action up to and including termination.

DEFINITIONS

- A furlough is a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, necessitated by a projected deficit in any fund that supports salary and benefit appropriations.

AGENDA ITEM VII-J

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| History: Revised as Policy | ENCLOSURE <u>2</u> |
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