

# CODE OF BUSINESS ETHICS AND CONDUCT

FLORIDA STATE COLLEGE AT JACKSONVILLE



FLORIDA  
STATE COLLEGE  

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at Jacksonville

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Florida State College at Jacksonville (College) and its Board of Trustees (Board) 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 this section is to establish and implement the written procedures governing business ethics and conduct as required by Federal Acquisition Regulation (FAR) 52.203-13 applicable to all employees performing work under covered federal contracts as well as all other applicable board rules, federal and state regulations. These procedures, based on District Board of Trustees Rules, will be known as the Florida State College at Jacksonville Code of Business Ethics and Conduct communicates the College's continuing values and standards for ethical conduct in business operations, including all conduct in furtherance of federal contracts.

## **I. Introduction**

FAR 52.203-13, Contractor Code of Business Ethics and Conduct, is applicable to solicitations and contracts with a total value expected to exceed \$5,000,000 and with performance periods expected to equal or exceed a period of 120 days. The College, as a federal contractor, is required to create and implement a written code of business ethics and conduct and make copies available to each of the employees engaged in the performance of work under covered federal contracts. In addition to the written code, the College must establish an ongoing business ethics awareness and compliance program and an internal control system. Information about the College's Business Ethics and Conduct program can be accessed at the College's website.

This Code of Business Ethics and Conduct is intended to further inform employees of College policies and procedures regarding ethical business conduct; remind employees of established College-wide processes available to assist employees in obtaining guidance and addressing any questions regarding the College's standards of conduct; and explain the College's plan for ethics awareness training programs and internal control systems. Employees are provided with electronic access to College Rules and the Administrative Procedure Manual at the time of hire and the Standards of Conduct and Compliance for Employees at the time of hire through the new employee on-boarding process. The Code of Business Ethics and Conduct is one of several documents that new employees are required to read and to acknowledge in writing, that they have received a copy and will act in compliance. The written acknowledgement is maintained in the employee's personnel file by the College custodian of employment records.

## **II. Ethical Principles**

### **A. Business Integrity**

The College will conduct its business fairly, impartially, and in an ethical and proper manner in accordance with the College's mission and values and in full compliance of all laws and regulations and District Board of Trustees Rules.

## **B. Personal and Organizational Conflicts of Interest**

The College complies with the Procurement Integrity Act (41 U.S.C. 423) and other regulations associated with government procurements and related conflict of interest laws and regulations. Violations of the Conflict of Interest Regulations by the College or its employees can result in civil and/or criminal fines and/or penalties, imprisonment, and administrative actions such as canceling a solicitation, rescission of a contract, or initiation of suspension or debarment proceedings.

College personnel should avoid situations that create or appear to create conflicts between their personal interests and the interests of the College. All decisions made by College personnel in the course of their professional responsibilities to the College are to be made solely on the basis of their desire to promote the best interests of the College. If an individual's personal interests might lead an independent observer reasonably to question whether the individual's actions or decisions on behalf of the College are influenced by those personal interests, the individual should recuse himself or herself from the decision making process and notify the responsible College officials.

In addition, it is the College's policy to comply in all respects with State and Federal laws concerning conflicts of interest, including Florida Statute Chapter 112 Part III, which governs transactions between Florida organizations and their trustees, public officers, and employees. Further information concerning Florida Statute Chapter 112 Part III can be found online at [http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=Ch0112/PART03.HTM](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0112/PART03.HTM).

## **C. Recruiting and Employment of Present and Former Government Personnel**

Current and former U.S. Government employees, including military officers, are subject to federal conflict of interest laws and regulations that may limit the ability of a contractor to recruit and hire certain individuals and may limit the activities in which they can participate after hire. Since federal laws and regulations change periodically, legal guidance from the Office of the General Counsel should be sought prior to if a current or former government employee is a finalist for a position with the College or is being considered for an OPS contract.

## **D. False Claims Act**

The purpose of the Federal and Florida False Claims Acts are to deter persons from knowingly causing or assisting in causing federal or state governments to pay claims that are false or fraudulent. The Acts also provide remedies for obtaining treble damages and civil penalties when money is obtained from federal or state government by reason of a false or fraudulent claim.

No College employee shall:

- i. Knowingly present or cause to be presented to an officer or employee of an agency a false or fraudulent claim for payment or approval;
- ii. Knowingly make, use, or cause to be made or used a false record or statement to get a false or fraudulent claim paid or approved by an agency;
- iii. Conspire to submit a false or fraudulent claim to an agency or to deceive an agency for the purpose of getting a false or fraudulent claim allowed or paid;
- iv. Have possession, custody, or control of property or money used or to be used by an agency and, intending to deceive the agency or knowingly conceal the property, deliver or cause to

- be delivered less property than the amount for which the person receives a certificate or receipt;
- v. Be authorized to make or deliver a document certifying receipt of property used or to be used by an agency and, intending to deceive the agency, make or deliver the receipt without knowing that the information on the receipt is true;
  - vi. Knowingly buy or receive, as a pledge of an obligation or a debt, public property from an officer or employee of an agency who may not sell or pledge the property lawfully; or
  - vii. Knowingly make, use, or cause to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to an agency

#### **E. Anti-Kickback Act**

Individuals with expenditure authority on behalf of the College must avoid any behavior that involves a real conflict of interest or any appearance, however remote, of using affiliation with the College as a means of furthering personal interests or showing favoritism to any individual, or current or potential supplier. Requesting or accepting any favor or special consideration from any individual or organization doing or seeking to do business with the College that may result in any direct or indirect financial gain by an employee (or a member of his/her family) with the capability of influencing a source selection process involving that individual or organization, is not allowed.

Additional information regarding College guidelines for ethics in purchasing can be found online at <http://www.fccj.org/campuses/mccs/purchasing/documents/doingbusiness05.pdf>. Should a questionable situation arise, the employee shall consult his or her immediate supervisor, the Associate Vice President of Purchasing and Business Services, or the Office of General Counsel for guidance and disposition.

#### **F. Antitrust and Trade Regulations**

Colleges are subject to federal and state antitrust laws which are aimed at protecting competition. Federal and state anti-trust laws are designed to prohibit monopolies and agreements that unreasonably restrict trade. Conduct that is strictly prohibited under these regulations include price fixing, bid rigging, market division, concerted refusals to deal, tying arrangements, exclusive dealing, reciprocity, monopolization, or other unfair methods of competition. In order to comply with antitrust laws employees must conduct their day-to-day business with integrity, understand the rules, and ensure business decisions use independent judgment.

#### **G. Truth in Negotiations Act (TINA)**

TINA requires government contractors to submit cost or pricing data and to certify that the data is current, accurate, and complete on the date of final agreement on price. TINA applies to all federal government contracts or contract modifications in excess of \$650,000 unless 1) adequate price competition exists; 2) the price is set by law or regulation; 3) the acquisition is for a commercial item; or 4) the head of the contracting activity for the government agency grants a waiver. All employees who participate in proposal development, bid preparation, and contract negotiation must be aware of the applicability and requirements of TINA.

## **H. Insider Information and Investment in Securities**

Insider investment is generally defined as investing or trading while in the possession of material non-public information regarding the security traded. Information is considered to be material if it is the type of information that a reasonable investor would consider important in deciding whether to buy or sell a particular security. Information is considered to be non-public if it has not been disseminated in a manner reasonably intended to reach the general public. All College employees are prohibited from engaging in insider trading. No employee shall invest or trade on the basis of any material non-public information regarding any security, nor shall any employee recommend to any client or person outside the College that they should do so.

## **I. Political Activities and Contributions**

The College encourages individual participation by employees in the political process. This includes service on governmental bodies and participation in partisan political activities. However, such activities should not be carried on in a way that interferes with the employee's job responsibilities or creates a conflict of interest.

## **J. Quality of Service and Products**

The College aspires to maintain a reputation for the highest level of excellence. Further, the College seeks to create real value for its clients and business partners. An emphasis on quality permeates every business practice. The College strives to do the best possible job in all work, to be as efficient as possible, and to work diligently to avoid mishaps, correcting them promptly should they occur. The College is dedicated to helping clients and business partners succeed. Satisfied clients and business partners are the most important mark of success in business. Each College employee should make every effort to listen, work hard, be straightforward, respect, and communicate freely and openly with every client and business partner. If there is a problem, the College is committed to its prompt resolution.

## **K. Equal Opportunity Employment**

The continued success of the College depends on the ability to hire qualified people and to provide each person with challenging an inclusive and positive environment in which to work. To these ends, the College provides equal employment opportunity for all employees--regardless of race, color, creed, religion, national origin, sex, age, disability, marital status, status as a disabled veteran or Vietnam era veteran, or Government or political affiliation. The policy of equal employment opportunity covers all employment practices including recruiting, training, compensation, promotions, transfers, terminations, layoffs, working conditions, and benefits. Information concerning College policies and procedures regarding equal employment opportunity and equity can be obtained from the Human Resources Office.

## **L. Use of College Resources**

In general, personal use of supplies, equipment, or facilities belonging to the College is prohibited, unless prior permission is received from the appropriate level of College administration. Any user of College computing facilities or equipment will recognize that they are intended to support the academic mission and administrative functions of the College and assume full responsibility for using

these facilities in an effective, efficient, ethical, lawful, professional, and courteous manner. Every employee is responsible for safeguarding assets under his or her control.

Additionally, the College supports and encourages its employees and students to develop and publish scholarly and creative works, educational materials and products, and other intellectual property which may be subject to copyright or patent and which may generate royalty income. Such activities increase professional knowledge, provide creative models for students, and bring recognition to the College. These developments may involve the use of College time and resources. The College's policy regarding rights and obligations of the parties affected by copyrights, patents, and royalties can be found in the College's Rules of the Board of Trustees Number 6Hx7-4.11 and in the collective bargaining agreement for faculty.

#### **M. Financial Accounting and Disclosure**

All books, records and accounts must conform both to generally accepted accounting principles and to Florida State College's system of internal controls. Employees of the College shall not make false, misleading or artificial entries in any financial books, records and accounts. This includes such data as quality, safety and personnel records, as well as all financial records. The College's Purchasing Administrative Procedures Manual (APM) requires that all corporate purchase expenditures be properly reviewed and approved prior to engagement of vendor services.

All College personnel are required to fully cooperate with all audits and investigations as requested by the College, federal and state government agencies, auditors, and regulators. All information provided must be truthful and accurate. College employees will not conceal, alter or destroy or cause to be concealed, altered or destroyed, documents or records in response to an investigation or other lawful request.

#### **N. Relationships with Suppliers and Representatives**

Florida State College recognizes the value of a diverse supplier base and its impact on the business community and College operations. All suppliers must be confident that they will be treated lawfully and in an ethical manner. The College's suppliers must be chosen with the same care, and treated with the same respect, as any other representative or dealer. The College's policy is to adhere to all State of Florida and federal procurement laws and regulations. Additional information on the College's purchasing procedures when using federal funds is available at [http://www.fccj.edu/campuses/mccs/purchasing/fed\\_purchases.html](http://www.fccj.edu/campuses/mccs/purchasing/fed_purchases.html).

The College seeks to utilize small business enterprises to participate as suppliers and in the performance of contracts to the fullest extent consistent with the efficient performance of business goals, Florida Statutes, and federal regulations without compromising cost, quality, reliability, or timeliness expectations or legal requirements. The College's small business plan is available online at [http://www.fccj.edu/campuses/mccs/purchasing/documents/fccj\\_wmbe\\_plan.pdf](http://www.fccj.edu/campuses/mccs/purchasing/documents/fccj_wmbe_plan.pdf).

### **III. Whistleblower's Act Protection**

Florida State College is committed to maintaining a workplace where personnel are free to raise good faith concerns regarding the College's business practices and encourages such reporting. College personnel should report suspected violations of applicable laws, government or College regulations,

government or industrial contract and grant requirements, or this Code. This reporting should normally be made initially through standard management channels, beginning with the immediate supervisor. Alternatively, personnel may go to a higher level of management and may also report suspected violations or problems to the Executive Vice President for Administration or the General Counsel. If a violation is reported anonymously, the College will investigate the violation if sufficient detail is provided to allow for an investigation. All personnel should cooperate fully in the investigation of any suspected violation.

Sections 112.3187 through 12.31895 of the Florida Statutes constitute the law known as the Whistleblower's Act. This Act is intended to prevent state agencies or independent contractors from taking retaliatory action against an employee who reports agency violations of the law that create substantial danger to the public's health, safety, or welfare. Florida State College will not retaliate against any person who, in good faith, has reported a suspected violation of law or made a complaint against the College or another individual or entity with which the College has a business relationship, on the basis of a reasonable belief that the practice is in violation of law or College policy. Any person who believes they have been subjected to any form of retaliation as a result of reporting a suspected violation of law or policy should immediately report the situation to the Office of the General Counsel. Also, the State of Florida's Chief Inspector General maintains a hotline for state agency employees, former employees, and applicants of agencies or independent contractors. Additional information regarding the hotline can be found at <http://www.flgov.com/ig/pdfs/wbbrochure.pdf>.

#### **IV Requirement for Compliance**

Each person is responsible for ensuring that his or her own conduct and the conduct of anyone reporting to him or her fully complies with laws and regulations and College rules and procedures, including this Code. Employees are also responsible for reporting suspected violations of College rules and procedures, including this Code. Violations will result in a recommendation for appropriate disciplinary action up to and including discharge from employment. Conduct representing a violation of this Code may, in some circumstances, also subject an individual to civil or criminal charges and penalties.

#### **V. Summary**

College personnel should recognize that Florida State College has earned and must maintain a reputation for integrity and quality that goes beyond compliance with laws, regulations, and contractual obligations. The College strives for excellence in administration as well as academics. Even the appearance of misconduct or impropriety can cause severe damage to the College's reputation. As such, College personnel must strive at all times to maintain the highest standards of quality and integrity.

The College and its employees must obey all applicable and relevant laws that affect the College and its business conduct. Such laws include, without limitation, those that apply to procurement integrity, securities, fraudulent conduct, workplace behavior, anti-trust, civil rights and anti-discrimination, copyright protection, campaign finance, organizational conflict of interest, and taxation. While the College does not expect its employees to be experts in legal matters, it holds each employee responsible for being familiar with the laws governing his or her areas of responsibility and to be generally aware of possible legal issues and exposures. Employees should seek immediate advice from the College's Office

of General Counsel whenever they have a question concerning any application of the law. From time to time, as appropriate and necessary, the Office of General Counsel may prepare guidance on legal and regulatory issues and circulate any such guidance to the appropriate management and affected employees. Any employee having questions regarding definitions, applicability, enforcement, or compliance with this code should direct their concern to the supervisory chain or the College's Office of General Counsel.