



Policy

University Policy HR-15.02-05/16

Policy Title: Employee Code of Conduct

Originator: Dr. Judith A. Bense, President

Responsible Office: Human Resources

Reason for Policy/Purpose:

It is the policy of the University that employees shall adhere to legal and ethical standards of the University in their conduct. It is the policy of UWF that all employees shall devote their primary professional loyalty, time and efforts to the specific requirements of their University employment.

Who Does this Govern and Who Needs to Know this Policy?

This policy applies to the employees of the University of West Florida. Sections (1) through (5) of this policy apply to all university employees. Section 6 of this policy applies to all University employees employed in non-academic divisions except for students employed in OPS positions. Section (6) of this policy does not apply to University employees employed in the Division of Academic Affairs. Those employees are instead subject to the requirements of University Policy AC-11.02-05/13 Conflicts of Interest.

Definition of Terms:

Outside Activity - An outside activity includes any activity, compensated or uncompensated, which is not part of the employee's assigned duties for the University and for which the University has provided the employee no compensation. Examples include the following: employment outside the University, consulting, counseling, teaching, research, self-employment, independent contracting, service on boards for profit or non-profit agencies or businesses, and candidacy for or holding public office.

Conflict of Interest - A conflict of interest generally means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest, including, but not limited to the following:

- a. engaging in an outside activity that includes either an employee or a business entity in which an employee or his or her relative has a material interest doing business with the University; or
- b. an employee holding an employment or contractual relationship with any business entity that
 - (i) is subject to the regulation of or is doing business with the University, or

- (ii) that will create a continuing or frequently recurring conflict between the employee's private interests and the performance of the employee's duties for the University, or
- (iii) that would impede the full and faithful discharge of the employees professional duties, institutional responsibilities or any other obligations the employee may have to the University.

Policy Statement:

I. General Provisions.

- a. UWF requires its employees to adhere to the ethical obligations set forth in Chapter 112, Part III, Florida Statutes, except section 112.3135, Florida Statutes (Restriction on Employment of Relatives, which is covered in section (2) of this policy).
- b. Section 112.3145, Florida Statutes, requires that specified University employees file a Statement of Financial Interest on an annual basis. This Code of Conduct requires that such University employees file these statements in accordance with the state law and Ethics Commission guidelines.
- c. No 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 that is in conflict with the full and competent performance of the employee's duties or is in conflict with the best interests of the University.
- d. Employees shall not engage in conduct that is dishonest or fraudulent.
- e. Employees shall not solicit or accept anything of value to the employee which is intended to influence or is in exchange for any University-related action on the employee's part.
- f. Failure to comply with the requirements set forth herein can subject an employee to disciplinary action under the University's Employment Policies and/or applicable collective bargaining agreement provisions.

II. Employment of Relatives (Nepotism).

- a. Employment of related persons, as defined in paragraph (b) below, in a single organizational unit or in a work-related organizational unit is permitted, provided that such employment shall not involve a conflict of interest, including but not limited to participation by the relative in making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, evaluation, promotion, demotion or salary of the related person. Prior to the employment of relatives or a change in reporting structure of an existing employee which would result in a conflict of interest, the Vice President responsible for the organizational unit shall determine and document, in writing, a conflict management plan that manages, mitigates, or eliminates the conflict; and shall proceed to require the implementation of the plan.

b. Relative includes the following family members: father, mother, son, daughter, brother, sister, uncle, aunt, cousin, nephew, niece, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandchild, or grandparent. For purposes of this policy, relative also includes an individual who shares a domicile with the employee.

III. Political Activity.

a. An Employee who intends to seek election to or who hold public office must report this as an outside activity and obtain approval in the manner set forth in section (6) of this policy. In addition, the employee must advise the President/designee of his or her intent to seek public office or for employees who are already in public office, the existence of their public office commitment. Such employees are also required to comply with the provisions of Section 104.31, Florida Statutes.

b. The President/designee shall determine whether the employee's candidacy for and holding of public office will interfere with the full discharge of the employee's duties and, if appropriate, may require the employee to take a leave of absence or submit a resignation.

IV. Drug Free and Smoke Free Workplace.

a. Employees are required to comply with all Federal and State laws, municipal ordinances, as well as University policies and regulations concerning alcoholic beverages, drugs, and smoking on University property or as part of any University activity.

b. The University prohibits the unlawful possession, use, manufacture, or distribution alcohol or controlled substances/illicit drugs by employees in or on University property or as part of any University activity.

c. In accordance with the federal drug and alcohol abuse prevention law, 20 USC § 1011i, the University will impose disciplinary sanctions, up to and including termination, on employees for failure to comply with Section (4)(a) or (4)(b) above.

d. Employees are required to comply with the Florida Clean Indoor Air Act and University regulations and policies concerning smoking on University property or as part of any University activity.

(i) The Florida Clean Indoor Air Act prohibits smoking in an enclosed indoor workplace. Employees who violate this law are subject to disciplinary sanctions up to and including termination.

(ii) Reference is made hereby to applicable University policies regarding smoking on University property.

(iii) The smoking of electronic cigarettes in any University facility is prohibited.

V. Use of University Facilities, Equipment or Services.

a. An employee engaging in an outside activity shall not use the facilities, equipment, or services of the University in connection with the outside activity without prior approval of the appropriate supervisory authority. Approval of the use of University facilities, equipment, or services shall be conditioned upon reimbursement of the costs related to such use. A form for requesting approval for use of University resources must be completed.

(Form available at: http://uwf.edu/media/university-of-west-florida/offices/hr/forms/Form-Approval_of_Use_of_University_Resources.pdf.)

b. Charges for the use of University facilities by employees for their outside activities shall be at the same rate as ordinarily charged to the general public.

VI. Outside Activity and Conflict of Interest.

a. Reporting Conflicts of Interest.

(i) Employees are responsible for disclosing conflicts of interest or potential conflicts of interest to their supervisors and working to manage, mitigate, or eliminate the conflicts in conjunction with their supervisors and other University officials. Conflicts of Interest or potential conflicts of interest shall be disclosed by filing the Outside Activity and Conflict of Interest Form described below.

(ii) Engaging in an outside activity which poses a potential conflict of interest does not necessarily imply the employee is engaging in wrong-doing or inappropriate behavior. However, in a university setting, such activities can compromise, or be perceived as compromising, the University's values and mission. This policy mandates that conflicts of interest and potential conflicts of interest be disclosed and then managed, mitigated, or eliminated.

b. Outside Activity and Conflict of Interest Form.

An Outside Activity and Conflict of Interest Form (the "Form") must be submitted by employees covered by Section 6 of this Policy as follows:

- (i) Each year by July 1 if there is an activity to report,
- (ii) Each time there is a significant change in a previously approved activity,
- (iii) Each time an employee plans to engage in a compensated outside activity, or
- (iv) Where the uncompensated activity:
 - A. Creates or reasonably appears to create a conflict of interest,

B. Interferes or reasonably appears to interfere with the full performance of the employee's professional responsibilities or other University obligations, or,

C. Interferes with the employee's primary commitment of time, attention and energies to the University.

(v) The Form must be submitted and approved prior to engaging in the activity. The approval process takes approximately 30 days, so employees are encouraged to plan accordingly.

(vi) Employees on any type of leave (which includes professional development leave, annual leave, sick leave, FMLA leave, etc.) are required to submit a Form under the conditions described above, notwithstanding their leave status.

c. University Representation. An employee engaging in an outside activity (regardless of whether the activity requires the submission of the Form) shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, representative, or spokesperson of the University or on behalf of the University.

d. Failure to Report/Insufficient, Inaccurate Reporting.

(i) An employee's failure to fully and properly report outside activities and other interests as required by this policy or failure to follow any conditions imposed pursuant to the University's approval of such activities, may be grounds for disciplinary action, up to and including dismissal.

(ii) Where approval for an outside activity is based upon a report containing incomplete or inaccurate information provided by the employee, the approval is null and void.

Change Justification:

This policy is being revised as the result of a review of University Human Resources policies.

Authority and Related Documents:

20 U.S.C § 1011i; Sections 104.31, Florida Statutes; Chapter 110, Chapter 112, Part III, and Chapter 386, Part II, Florida Statutes; and applicable Collective Bargaining Agreements.

History:

HR 15.00-2004/07 Employee Code of Ethics, adopted July 2004; amended hereby.

APPROVED: Dr. Judith A. Bense, President

Date: 6/15/16