



February 28, 2018

TO: THE DISTRICT BOARD OF TRUSTEES
OF VALENCIA COLLEGE

FROM: SANFORD C. SHUGART
President

RE: POLICY ADOPTION – 6Hx28: 3E-05.2 - ETHICAL CONDUCT & PERFORMANCE

The proposed amendments to Policy 6Hx28: 3E-05.2 Ethical Conduct and Performance (and associated implementing procedures) clarify the application of the policy to certain conduct and ethical violations by specifically prohibiting romantic or sexual relationships between faculty and their students, or supervisors and their supervised employees, during the time that the faculty member/supervisor has direct supervision of or any influence on the student's/staff member's academic or professional evaluation and/or academic or professional progress.

RECOMMENDED ACTION:

The President recommends that the District Board of Trustees of Valencia College approve the amendment of Policy 6Hx28: 3E-05.2 – Ethical Conduct and Performance, as presented.



President



POLICY: 6Hx28: 3E-05.2

Responsible Official: Vice President,
Organizational Development and Human
Resources

Policy Contacts: Director, HR Policy and
Compliance Programs

Specific Authority: 1001.64, F.S.
Law Implemented: 1001.64, F.S., Section
112.313, F.S.

Effective Date: 02-28-2018

Date of Last Policy Review: 02-28-2018

Ethical Conduct and Performance

Policy

Statement:

I. Statement of Purpose and Scope

Valencia College expects all College employees, when acting on behalf of the College, to maintain and exhibit the highest standards of professional and ethical conduct. The purpose of the statement of ethical principles and responsibilities is to articulate the expectations to which all Valencia employees will hold one another in the conduct of College business. Adherence to these principles and standards is the foundation upon which the College provides opportunities for academic, technical, and life-long learning in a collaborative culture dedicated to inquiry, results, and excellence.

II. Statement of Ethical Principles and Responsibilities

All employees in the Valencia College community are expected to treat one another, our students, and members of the public with integrity, professionalism, and civility. Employees are expected to comply with the applicable laws and regulations expected of all citizens and specifically, as Valencia employees, to meet the ethical standards set forth in Section 1 12.313, F.S., the Code of Ethics for Public Employees, and related Valencia College Policy 6Hx28: 2-01, Discrimination, Harassment and Related Misconduct, and to adhere to the standards set

forth in the College's Policy Against Improper Activities; Whistleblower Protection (Valencia College Policy 6Hx28: 1- 10). In addition, the College calls members of our community to meet additional responsibilities that arise naturally in an institution dedicated to learning, academic inquiry and rigor.

A. All employees share fundamental responsibilities in our conduct with others.

1. To Valencia College students, we aspire to create and equitable environment and provide fair access to educational opportunities and resources, the right to explore and express ideas, and the opportunity to achieve success in an environment free from harassment and discrimination.
2. To all Valencia College employees, we offer the opportunity to work to their utmost potential in an environment dedicated to continuous improvement and free from discrimination and harassment.
3. To Valencia College faculty, we aspire to create an environment that provides the academic freedom appropriate to explore the full spectrum of ideas in teaching, research, and service.
4. To Valencia College staff, we strive to create a culture that emphasizes our value of people, professional development, and lifelong learning.
5. To Valencia College trustees, we owe our honest, informed judgment on issues related to the operation of the College and our careful and lawful stewardship of resources.
6. To Valencia College community partners, we pledge to conduct our business with integrity and to strive to be a dedicated partner in meeting our community's educational, workforce, and economic development needs.

B. In addition, all employees are expected to adhere to the following ethical principles. These overarching ethical principles are intended to serve as a foundation for the conduct of day-to-day operations of the College and a general guide for decision-making by College employees.

1. All Valencia College employees are expected to treat others with respect regardless of differences or points of view. The achievement of our mission is predicated on our ability to inquire, test, assess, and explore ideas ~~which~~that may not be popular or common. 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.
2. All College 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.
3. All members of the Valencia community 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 Human Resources as soon as possible.

4. No College employee shall use a position of authority 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.

5. Employees should avoid any apparent conflict and must avoid any actual conflict between his or her professional responsibilities and personal interests in dealings or relationships with students or supervised employees.

6. Valencia College is a community that values inclusion, trust and respect as beneficial for the working and learning environment of all its community members. When faculty and staff members interact with students, or with fellow faculty/staff who are direct or indirect reports, the faculty/staff members are frequently in a position of trust and influence. In their relationships with students, or with employees who they supervise, the faculty/staff members are expected to be aware of their professional responsibilities and to avoid apparent or actual conflicts of interest, favoritism or bias.

a) Recognizing that romantic or sexual relationships may occur in a college environment, these relationships must not jeopardize the effective functioning of the College by the appearance of conflicts of interest, favoritism or unfairness in the exercise of professional judgment, or by leading to claims of violations of other college policies.

b) The College considers romantic or sexual relationships between faculty (including instructional support staff) and their students or likewise between supervisors and their supervised employees/student employees, to be a basic violation of professional ethics and responsibility when one party has any professional responsibility for the other's academic or employment performance or professional future, due to the asymmetry of these relationships. In addition, such relationships also may have the potential to result in claims of sexual harassment/misconduct, which are investigated and resolved under applicable college policies.

c) Accordingly, romantic or sexual relationships between 1) faculty (including without limitation instructional support staff) and their students, or 2) a supervisor and his/her supervised employee (whether faculty, staff, or student employee) are prohibited while the faculty member/supervisor has direct supervision of or any influence on the student's/staff member's evaluation and/or academic or professional progress.

6.7. Valencia College maintains confidential and personal records for a variety of business reasons, and some records must be kept confidential as a matter of federal and state law. All members of the Valencia community are expected to protect such information through proper safeguards and follow all related College policies pertaining to confidentiality in the regular conduct of

College business.

7.8. 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 document policy. (~~the accused and the accuser~~). ~~Using the Statement of Ethical Principles and Responsibilities to bring responding parties~~). Making a knowingly false or frivolous complaint report of violation or suspected violation of this policy is ~~not permitted and will be considered for~~ prohibited and may result in disciplinary action.

III. State of Florida Code of Ethics for Public Employees

A. Under the provisions of Section 112.313, Florida Statutes, College employees are subject to certain provisions of the Code of Ethics for Public Officers and Employees. All College employees shall comply with the applicable provisions of the Code including, but not limited to, the following:

1. Solicitation and Acceptance of Gifts

No 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 employee would be influenced thereby.

2. Doing Business with the College

Subject to certain exemptions as set forth in Section 112.313(12), Florida Statutes, no employee acting in a private capacity shall rent, lease, or sell any realty, goods, or services to the College. In addition, no employee acting in his or her official capacity as a purchasing agent, or otherwise acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for Valencia from any business entity of which the employee or employee's spouse or child is an officer, partner, director, or proprietor or has a material interest.

3. Unauthorized Compensation

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

4. Misuse of Public Position

No employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or

her official duties, to secure a special privilege, benefit, or exemption for himself or herself or others.

5. Conflicting Employment or Contractual Relationship

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

6. Disclosure of Use of Certain Information

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

7. 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.

B. Construction

1. In accordance with the provisions of Section 112.316, Florida Statutes, it is not the intent of the Code of Ethics for Public Officers and Employees or of the District Board of Trustees, nor shall this policy be construed to prevent any 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 his or her duties to the College. See also Policy 6Hx28:07-28, Extra College Employment and Activities.

2. 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.

C. Violations of State Code of Ethics for Public Employees: Penalties

Violation of any provision of Sec. 112.313, F.S. shall subject the employee to the civil penalties provided in Section 112.317, Florida Statutes, which include, but are not limited to, dismissal from employment; as well as subject the violator to the criminal penalties provided in Section 112.3173, Florida Statutes.

Policy History:

Adopted 12-11-74; Amended 1-19-83; Formerly 6Hx28:7-10; Amended 11-18-92; Amended 2-26-14; Amended 2-28-18; Formerly 6Hx28:07-26

Related Documents/Policies:

College Policy 6Hx28: 1-10 Policy Against Improper Activities; Whistleblower Protection

College Policy 6Hx28: 3E-08 Disciplinary Action

Policy 6Hx28: 3E-05.3, Extra College Employment and Activities

Procedures:

I. Seeking Clarification

After reading this statement of ethical principles and responsibilities and related College policies, you may need additional clarification about the best course of action to follow in a specific situation. In such cases, contact your immediate supervisor, the responsible office for the applicable policy, or the Office of Policy and General Counsel for assistance.

II. Reporting Concerns or Violations

A. Each member of the Valencia community is expected to report violations or concerns about possible violations that come to his/her attention. ~~Violations of applicable laws, Valencia College policies to the respective supervisor or the Human Resources or other appropriate office for further evaluation and standards, action as deemed necessary and retaliation appropriate action. Any adverse action taken~~ against anyone who reports violations or concerns about possible violations may result in appropriate disciplinary action. Supervisors have a special duty to promote adherence to the standards set forth in this document, to recognize violations, to report through the appropriate channels, and to enforce the standards.

1. In some situations, the most effective resolution to a concern may be a conversation among colleagues to raise, address, and resolve the issue at hand. Addressing a situation in this manner ~~is~~ may be most ~~likely~~ appropriate for concerns pertaining to interpersonal disagreements or to clarify actions or intent.

~~A. In most cases, you should report violations or concerns to your immediate supervisor, if appropriate.~~

2. If applicable, you may also contact Valencia's Office of Policy and General

Counsel, Organizational Development and Human Resources office, the Equal Opportunity ~~office~~/Employee Relations Office, or the Office of ~~the Internal Auditor~~. ~~If you wish to report a concern anonymously, you may call 407-582-8125.~~Compliance and Audit.

- ~~3. The College is committed to the protection of all parties related to the reporting of a concern or a violation of the standards set forth in this document (the accused and the accuser). Using the Statement of Ethical Principles and Responsibilities to bring a false or frivolous complaint is not permitted and will be considered for disciplinary action.~~
3. Allegations, reports or other information concerning an unreported prohibited relationship where one party has any professional responsibility for the other's academic or job performance or professional future, when received by supervisors, deans, or other responsible persons will be reported to the Human Resources office and investigated by the appropriate offices. If faculty or staff, whether or not involved in the prohibited relationship, believe they have been, or are being, adversely affected by the relationship, they are encouraged to contact the Human Resources office. If an unreported prohibited relationship is determined to exist, an approved management plan will be implemented to ensure suitable supervision/evaluation of the student or supervisee, and appropriate disciplinary measures with regard to the supervisor/faculty member may be taken, including sanctions ranging from verbal warnings to termination, as provided by applicable College policies.
4. If questions or concerns arise regarding potential harassment or discrimination, the faculty or staff member should refer to Policy 6Hx28:2-01 Discrimination, Harassment and Related Conduct, and contact the Office of Equal Opportunity and Employee Relations.
5. A pre-existing relationship that could reasonably be perceived as being prohibited by this policy must be reported immediately by the faculty member/supervisor who has professional responsibility for the other person's academic or job performance or professional future. This report is made to an appropriate administrator (dean or other supervisor) and a management plan, acceptable to Valencia (Human Resources and respective Campus or Division Executive or their designated representatives), will be implemented to assure that the student/staff member/faculty member receives objective evaluation and supervision. Such management plan may include, without limitation, changing the supervisor, having a different faculty member evaluate academic work or render academic support, or having the student change courses and may require cessation of either the personal or supervisory professional relationship.

Procedure**History:**

Adopted 12-11-74; Amended 1-19-83; Formerly 6Hx28:7-10; Amended 11-18-92; Amended 2-26-14;
A amended 2-28-18; Formerly 6Hx28:07-26

Date of Last Procedure Review: 02-28-2018