

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

Date: November 7, 2006

REGULATION CHAPTER TITLE: Purchasing Program **REGULATION CHAPTER NO.:** Chapter 6

REGULATION TITLES AND NUMBER: Standard of Conduct (6.002)

SUMMARY OF REGULATION: The amended Regulation incorporates applicable statutory authority as well as additional categories of improper conduct. The Regulation identifies categories of conduct and conflicts of interest in the procurement process which constitute breaches of ethical standards that may subject a University employee to disciplinary action and a vendor to suspension or debarment. Such actions include, but are not limited to, offering, accepting, soliciting or agreeing to accept a gratuity of any kind in connection with any contract for commodities or services; participating directly or indirectly in any procurement in which the employee or employee's immediate family may have an interest and a vendor offering employment to influence contract development.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution, Board of Governors Regulation Development Procedure dated July 21, 2005, Sections 112.313, 112.3148, 1001.74(4), (5), and 1010.04, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. Grace Ali, Vice President for Fiscal Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Shira R. Thomas, Office of the General Counsel, Suite 300 Lee Hall, Tallahassee, Florida 32307, (850) 599-3591 (phone), (850) 561-2862 (fax), regulations@famu.edu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of the proposed amended regulation follows:

Regulations of Florida A&M University



6.02 Standard of Conduct.

~~(1) Employee Conflict of Interest. Except as may be permitted by regulations formulated by the Board of Regents, it shall be a breach of ethical standards for any employee of a University to participate directly or indirectly in a procurement when the employee knows that:~~

~~(a) The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;~~

~~(b) A business or organization in which the employee or any member of the employee's family, spouse, children, parents, brothers and sisters, has a financial interest pertaining to the procurement; or~~

~~(c) Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.~~

~~(2) Gratuities. It shall be a breach of ethical standards and misconduct subject to disciplinary action for any employee to directly or indirectly demand, accept or agree to accept from another person, entity, or organization any compensation, consideration or a gratuity of any kind in connection with any procedure or decision, directly or indirectly related to purchasing by the University.~~

- (1) University employees are governed by and must comply with provision of the Florida Code of Ethics for Public Employees, Chapter 112, Part 3, Florida Statutes as well as University regulations and University Board of Trustees policies governing conflicts of interest.
- (2) It shall be a conflict of interest and breach of ethical standards, subject to disciplinary action, for any employee of the University to:
- a. participate directly or indirectly in a procurement when the employee knows that:
 - i. the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
 - ii. a business or organization in which the employee or any member of the employee's family, spouse, children, parents, brothers and/or sisters has a financial interest pertaining to the procurement; or
 - iii. any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement, or
 - b. accept, solicit, or agree to accept a kickback, offer of employment or gratuity, of any kind, form or type in connection with any contract for commodities or services.
- (3) It shall be a breach of ethical standards, subject to debarment or suspension, for any person or potential contractor to offer an employee of the University a kickback, offer of employment or a gratuity of any kind, form or type in an attempt to influence the development of a contract or potential contract for commodities or services.

*Specific Authority 1001.74(4), F.S. Law Implemented 112.313, 112.3148, 1001.74(5) F.S.
Amended _____.*