

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: October 15, 2021

REGULATION TITLE AND NUMBER: University Ethics (5.011).

SUMMARY: The Office of Compliance and Ethics seeks to amend FAU Regulation 5.011, University Ethics. The University Ethics Regulation is a critical component of the University's Compliance and Ethics Program. This regulation outlines the expectations of University employees with regards to ethical conduct, integrity and accountability. The proposed amendments incorporate reference to the new University Standards of Conduct and otherwise provide clarity regarding conflicts of interest and conflicts of commitment, unauthorized compensation, misuse of public position, disclosure or use of University information, political activities, and the use of the University name and symbols, and affirm that no disciplinary action will be taken for any employee that reports, in good faith, an alleged ethical violation.

FULL TEXT OF THE AMENDED REGULATION: The full text of the proposed amended regulation is attached below to this notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed amended regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT: Ms. Elizabeth Rubin, Chief Compliance & Ethics Officer, Office of Compliance & Ethics.

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE REGULATION AMENDMENT IS: Cassandra Rey, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

Florida Atlantic University

Regulation 5.011

University Ethics

(1) ~~State Code of Ethics & Standards of Conduct~~ ethical conduct and decisionmaking

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with integrity and accountability to the highest ethical standards. Employee ethics are governed by The Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part 3, F.S. (Code of Ethics) and the University's regulations and policies, including without limitation this University Ethics regulation and the University's Standards of Conduct. ~~is a part of the law of the State of Florida~~ The Code of Ethics declares that it is the policy of the state that no ~~state~~ employee of a state agency may 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, ~~cgatofe orth tnfli oratofeae~~ The University's Standards of Conduct as established by the University President or designee set forth additional ethical principles to govern business dealings by and within the University community The University ~~adopts and reaffirms the State Code of Ethics and further adopts the following supplementary policies as part of the FAU Ethics Rule. The terms used to be given the broadest definitions appropriate, so as to best implement the state policy and to evade even the appearance of impropriety in transactions and relationships involving University employees.~~

Collective Bargaining Agreements ~~This rule applies to all University employees. The provisions of this rule are subject to applicable provisions of collective bargaining agreements. In the event of conflict between this rule and a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.~~

(C) All employees. No

Regulation 3.004 and procedures designated by the Office of Academic Affairs.

~~Exemptions Certain transactions and business relations. This University reserves the right to refrain from contracting with any vendor of goods or services, if it determines that such a contract would involve or would appear to involve a conflict of interest.~~

~~(5) Exemptions: University employees may be exempted or waived certain conflicts by the University from the foregoing prohibitions against doing business with the University, as set forth in the Code of Ethics.~~

~~(a) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder; and~~

~~The employee or the employee's spouse or child has in no way used or participated in the determination of the bid specifications for the determination of the lowest or best bidder;~~

~~The employee or the employee's spouse or child has in no way used or attempted to use influence to persuade the University or any personnel thereof to enter such a contract other than by the mere submission of the bid; and~~

~~The employee, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, disclosing the interest of the employee or the employee's spouse or child, and the nature of the intended business.~~

~~An emergency purchase or contract which would otherwise violate this Code of Ethics must be made in order to protect the health, safety, or welfare of the citizens of the state.~~

~~The business entity involved is the only source of supply and there is full disclosure of the employee of his interest in the business entity to the University prior to the business being transacted. Additional documentation may be required to verify sole source purchases.~~

~~The total amount of the subject transaction does not exceed \$500.00.~~

~~The employee is engaged in research and development pursuant to a University copyright or patent, or under the auspices of the University's Division of Sponsored Research. Such transaction must be approved by the President and the Chancellor and reported to the Governor and the Legislature.~~

~~As a matter of policy, exemptions will not be approved by the University if other means of procurement of goods or services are available and more appropriate.~~

~~(6) Outside Employment, Business and Professional Activities~~

~~(E) _____~~

~~(a) All Faculty and Administrative and Professional Employees.~~

~~It is the obligation of each faculty and staff member to keep the Chairman or Supervisor informed in detail as to all outside employment. Keeping the Supervisor informed, however, does not relieve the faculty or staff member of final responsibility for his~~

(c)